UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.563
28 September 1999

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

SUMMARY RECORD OF THE 563rd MEETING*

Held at the Palais des Nations, Geneva,
on Wednesday, 22 September 1999, at 3 p.m.

Chairperson: Mrs. MBOI

CONTENTS

COOPERATION WITH OTHER UNITED NATIONS BODIES, SPECIALIZED AGENCIES AND OTHER COMPETENT BODIES

* No summary record was issued for the 562nd meeting.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.99-44307 (E)

The meeting was called to order at 3 p.m.

COOPERATION WITH OTHER UNITED NATIONS BODIES, SPECIALIZED AGENCIES AND OTHER COMPETENT BODIES (agenda item 5)

1. The CHAIRPERSON, noting that, because of the formal atmosphere in which they had taken place, the meetings devoted to cooperation had in previous sessions proved less constructive than had been hoped, invited the representatives of the specialized agencies and other bodies to submit their written statements, but to avoid reading them out. The Committee members had expressed the desire that the participants should engage in a lively and constructive dialogue leading to lasting improvements in cooperation. The Committee was especially interested in the views of the participants with respect to ways of improving cooperation, for example in follow-up and report preparation in the field, and in the Committee's work in Geneva.

2. Mr. STAHLHOFER (World Health Organization (WHO)) said WHO was probably the organization with the least experience in cooperation at the country level. It had only just begun a discussion on how to strengthen reporting and the provision of data, both internally and from other partners. WHO also wished to take a more active part in the preparation of the various reports to the treaty bodies, which it had not so far done because of a lack of expertise in that area. The organization would thus have to train staff, first at headquarters and then in the field, in the preparation of reports. Such training was due to begin in the near future.

3. As for the follow-up to health-related concluding observations drawn up by the Committee, WHO often had insufficient knowledge of the activities to which the Committee referred, and in any case lacked the capacity to make an effective contribution. However, the organization was studying the possibility of playing a more active role in human rights, which was a position supported at the highest level.

4. Ms. MILLER (United Nations Children's Fund (UNICEF)) said that many cooperation issues had been discussed at a meeting held at UNICEF's Geneva office during the Committee's previous session. UNICEF highly appreciated the work of the Committee and saw valuable synergy between the two bodies. It was very active in encouraging Governments to submit reports, not least because in meeting their reporting obligations the latter had to confront a large number of issues and problems that would otherwise not receive the required attention. It was particularly helpful to UNICEF that the reporting procedure involved broad participation by local organizations, as that sensitized Governments still further to problems requiring technical support, including help from UNICEF.

5. There was clearly a connection between the Committee's concluding observations and UNICEF's work in the field. The concluding observations served as an authoritative source of support for UNICEF's activities, for example in cases where the Government concerned had been less than supportive of the organization's initiatives.

6. UNICEF had significantly increased attendance by its field staff at both the pre-sessional working group and the regular session. For example, at the

last two sessions UNICEF field staff from each country had been represented. That reflected a better understanding on their part of the usefulness of the Committee's work and its synergy with their own pursuits. Increasingly, responsibility was being assumed by UNICEF field personnel for coordinating the various partners in the follow-up to the Committee's observations, and more specifically for organizing efforts to implement its recommendations. Perhaps some guidelines for field offices should be drawn up to share their positive experiences and give examples in that regard. The next step should be the creation of a practical link between the recommendations and UNICEF's programming and planning process. As had been noted in their previous meeting, UNICEF and the Committee should work to establish a meaningful mechanism for feedback during the five-year interval between periodic reports. Staff in the field would certainly be more motivated if they knew that their reports would serve to keep the Committee up to date on the situation of children in their countries of assignment.

7. Her organization, and especially its field offices, had received many complaints about the backlog in the Committee's work. Often the local UNICEF office would work hard to urge a Government to submit its report on time, only to learn later that the Committee had postponed consideration of that particular report, sometimes for up to two years. In such cases, UNICEF explained the reasons for the backlog and the Committee's efforts to clear it, but it was important for the Committee to note the dissatisfaction expressed by Governments.

8. It was worth making the point that Governments which did not have permanent missions in Geneva often turned to UNICEF for logistic assistance in making arrangements and reserving accommodation for their delegations attending sessions of the Committee. That was only understandable, as UNICEF strongly urged them to send representatives to the Committee's meetings and could hardly leave them without assistance. However, the role the organization played in its effort to be helpful represented an extra burden, which did not fall within its mandate. Perhaps some coordination with the secretariat would be appropriate.

9. Ms. NOGUCHI (International Labour Office (ILO)) said that ILO had made an effort to inform its offices in the field of the Committee's proceedings, concluding observations and recommendations. Interestingly, it had found that Governments tended to be much more frank and forthcoming about problems and challehges in their reports to the Committee than they were in their reporting to ILO. States were required to inform ILO on various matters covered by international labour conventions, yet their reports tended to deny the existence of problems such as child labour, while those submitted to the Committee would in the same cases acknowledge that such problems did exist. The difference was perhaps attributable to the consultation of non-governmental organizations (NGOs) during the drafting of the Committee's reports. In any case, the information submitted to the Committee constituted a valuable source for ILO field and headquarters staff, and for those working on the question of child labour in particular.

10. Over and above the standard-setting work of the organization, ILO also had a number of departments engaged in technical cooperation, including the International Programme on the Elimination of Child Labour (IPEC). Under the

leadership of the new Director-General, the office had decided to place more emphasis on IPEC. The appropriate departments would be invited to increase their cooperation with the Committee so as to enhance the effectiveness of their work.

11. ILO conventions often suffered from the absence of ratification, which impaired their authority and made it difficult for ILO to urge States to comply with their provisions. The Convention on the Rights of the Child, on the other hand, enjoyed universal acceptance and served as a reference for ILO's promotion of practical measures to improve the situation of children throughout the world.

12. The CHAIRPERSON, noting that the Committee had consistently called on countries that had not yet done so to ratify ILO Convention No. 138, asked to what extent ILO field personnel had been trained in methods that could be of assistance to the Committee's work. In what way could they help countries to prepare their reports, and how could they assist Governments to implement the recommendations formulated by the Committee? Perhaps Ms. Noguchi could try to cover those questions during the course of the meeting.

13. Ms. THEYTAZ-BERGMANN (NGO Group for the Convention on the Rights of the Child) said that NGOs should collaborate in the drafting of country reports, but should not actually write them or draft joint reports with their Governments. It should be clear that the responsibility for writing and submitting reports lay with Governments, and NGOs should maintain their role as monitors. In cases where reports had been drafted jointly, some NGOs had found themselves in the regrettable position of being unable to submit supplementary information to the Committee.

14. The secretariat was to be commended for informing the NGO Group immediately of the submission of reports. It had also made certain reports available in their original formats, prior to repagination and editing for United Nations publication and before the translated versions were published, thus saving precious time.

15. On the other hand, the lack of information from NGO sources was most acute in a few regions or types of States, including central Africa, the Middle East, small island States and other very small countries. The NGO Group was addressing those shortcomings, for instance by carrying out more training sessions and identifying NGOs which were likely to provide the Committee with information. It was also trying to keep NGOs up to date on deadlines for the submission of information, a task which had been complicated by the frequent changes to the Committee's timetable. Because information on the rights of the child in most countries emanated not from a single NGO but from many which had to work in concert, a great deal of time was required.

16. The Committee members had probably noticed that the NGO presentations on the two countries submitting periodic reports at the current session had addressed the interests and concerns previously expressed by the Committee. That was a direct result of the NGO Group's coordinating efforts. The more information the Committee could provide, the better the participating NGOs

could tailor their presentations to meet its needs. Because most of the Committee's deliberations on its own working methods took place in private, it was very important to keep NGOs informed of any changes or specific requirements so as to make the best possible use of NGO field resources.

17. Beginning in 2000, the NGO Group hoped to be in a position to translate at least some of the NGO information into English, which was the working language of most of the Committee members. The aim was to increase access to the information and at the same time to spread the burden, which would otherwise fall on the few Committee members who understood the original language of submission.

18. The pre-sessional working group had allotted only a limited amount of time for discussions with NGOs. NGO representatives who travelled very long distances were understandably eager to enter into dialogue, and the time constraints had led to frustration. Perhaps there would be some way to arrange for contacts between Committee members and NGO and UNICEF field staff outside the meeting room, for example at lunches or during other intervals so as to take full advantage of their presence in Geneva. The same problem existed with regard to the plenary sessions.

19. NGOs were somewhat disconcerted by the lack of direct impact their presentations had had on the lists of issues. Regarding follow-up, both international and national NGOs felt that the concluding observations tended to follow a uniform pattern and the Committee should make an effort to tailor them to the specific situation of each country. NGO representatives were also frustrated because of the lack of a mechanism in the Committee to handle urgent appeals. The current procedure, whereby the Committee simply "took note" of such appeals or complaints, was considered unsatisfactory. Her organization was not soliciting such communications, as it believed the Committee did not want to receive them. Some clarification would be most welcome in that regard.

20. Mr. DOEK remarked that the Committee should do its utmost to maintain its good relationship with the United Nations agencies and NGOs, which was crucial to its work. Given the time constraints on Committee sessions, NGO representatives could perhaps meet with Committee members during lunch breaks to exchange ideas and ensure that the lists of issues better reflected their input.

21. With regard to the specialized agencies, while he appreciated WHO's significant contribution, he suggested that it could make further inputs to the Committee's work at the country level by, for instance, improving international standards for dealing with health-related problems, as it was already doing in the area of sexual abuse. Where ILO was concerned, whereas national reports often mentioned memoranda of understanding concerning the International Programme on the Elimination of Child Labour (IPEC), they did not always specify the content or the practical action taken. He would therefore welcome regular information on IPEC-related activities. He expressed satisfaction with UNICEF's contribution, but suggested that the Committee explore ways of supporting UNICEF's role as a travel agent, guide and housing facilitator for certain delegations. He also advocated linking the Committee's recommendations to UNICEF's country reports and plans.

22. The CHAIRPERSON said it would be mutually beneficial if all partners consistently invited Committee members - who represented different geographical areas - to their regional meetings in order to enhance inter-agency cooperation.

23. Mrs. SARDENBERG welcomed the presence of those agencies which had attended what she viewed as the first assessment meeting, and regretted that more had not done so. It was vital to review and expand relations with partners, which had been a fundamental aspect of the Committee's work from its inception and should be continued pursuant to article 45 of the Convention. The agencies present might lobby others to encourage them to attend the Committee's sessions, since they were in a strategic position to provide the Committee with information. She applauded the fact that some agencies were becoming increasingly involved in staff training, in the reporting process, and in the other phases of implementation. She particularly welcomed WHO's efforts to incorporate the human rights dimension in its work, a vital aspect of the United Nations current approach.

24. She stressed the need for continuity in view of the fact that projects launched were sometimes discontinued for various reasons. Guidelines should be adhered to as closely as possible in order to facilitate the Committee's work and enable it to combine its own information with that provided in the national reports. The Committee's report assessment would benefit from new guidelines on sexual abuse and other issues.

25. She welcomed UNICEF's offer to play a coordinating role, and called for closer integration of summit goals with the Committee's implementation task. It was therefore crucial, even at the country level, for those goals to be absolutely clear. The Committee's assessment capacity needed to be improved, since its scrutiny of initial reports would one day come to an end and it would be dealing exclusively with periodic reports. With regard to ILO, she agreed with Mr. Doek on the need for more detailed reporting on IPEC-related programmes, and advocated close follow-up of implementation of the new ILO Convention No. 182 on the Worst Forms of Child Labour.

26. There were two problems which the Committee needed to solve with regard to NGOs: one was the time allotted them when they addressed the Committee, and the other was the language difficulties, which sometimes prevented them from communicating with the Committee.

27. Mrs. EL GUINDI, while praising NGO participation, which was important given their easier access to information on critical child issues, wondered what criteria were applied in selecting NGOs to be represented at meetings of the pre-sessional working groups.

28. Mrs. KARP said that ways should be sought of making the important partnership with NGOs and agencies more effective, not only because it enhanced the Committee's role, but also because they could monitor implementation of the Convention in the field. She understood the frustration of NGOs, which, given their considerable input into country reports, were prevented by time constraints from speaking at length when they addressed the Committee. The NGO Group could help NGOs prepare for their dialogue with the Committee, impressing upon them the fact that the exercise should be mutually

beneficial and the need to be more focused in the information they supplied and the questions they wished the Committee to put to delegations. Different guidelines were perhaps needed to ensure that NGOs apprised the Committee of deficiencies in country reporting and highlighted issues on which the Committee's concluding observations should focus.

29. Ways should be found for the specialized agencies to encourage those working in the field to adopt a rights-based approach and ensure that children's rights were incorporated into Governments' plans of action. UNHCR and WHO had already embarked on such a course. While inter-agency cooperation in the field was important, it was perhaps too far-reaching. She recommended that UNICEF's use of NGOs in specific fields should serve as a model for other agencies - perhaps through a network of NGOs working in a particular country - to provide grassroots information.

30. While she supported the idea of developing guidelines in the various fields, she felt that WHO's guidelines on health, for instance, should be multisectoral and take account of those established in other areas. Each agency should also provide the Committee with an overview of trends and achievements in the area of children's rights, not for a specific country, but with regard to its own activities. She appreciated UNICEF's willingness to serve as a focal point for coordinating implementation and its provision of technical assistance for the juvenile justice system by organizing joint meetings with Governments, NGOs and other agencies. She would recommend that such assistance be extended to other areas.

31. Mr. RABAH endorsed his colleagues views on partnership as a complement to the Committee's normal work. Once its recommendations had been issued, it would be useful if NGOs and specialized agencies could act as watchdogs, report to the Committee at each session, and furnish comprehensive data on the implementation of all recommendations made to each State party. Child labour being a serious issue, ILO could, for instance, report on implementation of its new Convention No. 182. Since, for a variety of reasons, Committee members rarely visited the field, UNICEF - with its many country offices - could provide the Committee with detailed, up-to-date information on each State party.

32. Mrs. TIGERSTEDT-TÄHTELÄ cited the UNICEF brochure to the effect that Governments and international financial institutions had come to recognize that expenditures on human development were both sound economic investments and necessary conditions for the enjoyment of human rights. She wondered in that connection why the international financial institutions were not represented at the current meeting, and whether the agencies present cooperated with them.

33. The CHAIRPERSON noted that the Committee itself cooperated with the international financial institutions, which were regularly invited to its sessions and at times attended. That trend should be encouraged. The need for the corporate community and the financial institutions to be more human rights-oriented was the subject of much interest, and had recently been mentioned in statements by the United Nations High Commissioner for Human Rights and the Directors General of UNICEF and WHO.

34. Ms. THEYTAZ-BERGMANN (NGO Group for the Convention on the Rights of the Child), in reply to an earlier question, explained that the Group did not actually select NGOs to attend the sessions of the pre-sessional working groups, but simply attempted to inform as many national NGOs as possible that their Government had submitted a report to the Committee and that information from them would be welcome. In doing so it relied on its databases and NGO members of the Group, while in countries where it had no contacts it looked to UNICEF for guidance.

35. The Group promoted the submission of joint reports by national coalitions of NGOs, but that process was stimulated at the national level rather than by the Geneva staff, whose role was limited to the provision of training and support. The Group recommended that the reporting process, especially with regard to initial reports, should not be limited to the capitals. It tried to be as inclusive as possible, and transmitted all the information it received to the Committee.

36. The CHAIRPERSON reminded the meeting that it was for the committee to invite NGOS to participate in its pre-sessional working groups and read out rule 34 of the Committee's rules of procedure to that effect.

37. Ms. THEYTAZ-BERGMANN (NGO Group for the Convention of the Rights of the Child) said that maps of the kind suggested by a member of the Committee were an excellent idea. Naturally they would have to be produced at country level, and funding would be required. Such maps did exist, but they were very few and far between.

38. Regarding the impact on the pre-sessional working group of the increase in the number of reports considered, she said her Group attempted to provide NGOs with guidelines on how to present information to the Committee. Its briefings would be improved, however, if the Committee provided it with more direction regarding its goals for the pre-sessional working group. Making the lists of issues and concluding observations more strategic and country-specific was one of the Group's concerns.

39. She agreed that no real mechanism existed for follow-up to the Committee's concluding observations. On that point also, the NGO Group would also appreciate guidelines from the Committee. The monitoring process was a huge task, and NGOs needed to know how the follow-up information they provided would be used.

40. Ms. MILLER (United Nations Children's Fund (UNICEF)) associated UNICEF with the comments of the representative of the NGO Group with regard to the expectations of people who travelled from the field to participate in the Committee's pre-sessional working groups. She agreed that UNICEF had an important role to play in the follow-up to the Convention, and its work would be facilitated by the fact that it had incorporated the reporting process. With regard to Mr. Rabah's comment about the regular supply of information, she said that, in addition to UNICEF's overall report, each UNICEF country office produced an annual report, which she would be happy to make available to the Committee. Once field participants in a pre-sessional working group

had returned to their countries of assignment, the Committee might also contact them directly for follow-up, through e-mail and other forms of communication.

41. Ms. NOGUCHI (International Labour Organization (ILO)) said that the International Programme on the Elimination of Child Labour (IPEC) was a new programme which was expanding at great speed; once it had digested the large volume of information being submitted to it, she was certain that it would be very interested in cooperating with the Committee. In reply to a remark by the Chairperson, she said she agreed that it would be helpful for a representative of IPEC to attend Committee sessions in the future. An important potential area of cooperation between IPEC and the Committee was the ratification of ILO Convention No. 182, the Worst Forms of Child Labour Convention. She noted that ILO regarded the Convention on the Rights of the Child as something of a role model because of the wide ratification it had achieved. In that connection, the Committee might wish to receive further information about ILO's 1998 Declaration on Fundamental Principles and Rights at Work, which included the area of child rights.

42. ILO's tripartite structure enabled it to be of help at the national level in addition to the preparation of reports. Trade unions were active in social areas important to national development, and employers exerted a strong influence on national measures.

43. Mr. STAHLHOFER (World Health Organization (WHO)) said that there was an increased level of awareness within WHO of child rights. Recent activities such as the Tobacco-free Initiative and the world report on violence currently under preparation specifically included child rights, and the experts developing the guidelines for the prevention of child abuse also took the Convention into account. He agreed that there was a need for further information-sharing with the Committee.

44. The CHAIRPERSON, summing up the debate, said that first, the Committee recommended that all United Nations partners attempt to incorporate the child rights approach into all aspects of their work at both headquarters and in the field. Second, coordination between the United Nations and NGOs in the field should begin with the preparation of a State party report and continue through follow-up of the Committee's concluding observations. Third, to lessen frustration on both sides when field staff came to participate in pre-sessional working group meetings, Mr. Doek's suggestion regarding lunch and dinner encounters might be taken up. Fourth, the Committee welcomed feedback concerning its concluding observations and recommendations and agreed on the need to improve quality and reduce its backlog of work. Fifth, because the Committee did not have a field presence, continuous cooperation between it and its partners in the field was all the more important for follow-up to the implementation of the Convention.

The meeting rose at 5 p.m.

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.564
25 October 1999

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

SUMMARY RECORD OF THE 564th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 23 September 1999, at 10 a.m.

Chairperson: Mrs. MBOI

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of the Russian Federation

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.99-44320 (E)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of the Russian Federation [CRC/C/65/Add.5; HRI/CORE/1/Add.52/Rev.1; CRC/C/Q/RUS/2; written replies of the Russian Federation to questions raised in the list of issues (document with no symbol, distributed in the meeting room, in English only)]

1. At the invitation of the Chairperson, Mrs. Karelova, Mr. Antonov, Mr. Boychenko, Mrs. Chepurnykh and Mrs. Smirnova (Russian Federation) took places at the Committee table.

2. The CHAIRPERSON welcomed the delegation and invited it to present the second periodic report of the Russian Federation (CRC/C/65/Add.5).

3. Mrs. KARELOVA (Russian Federation) said that her country's action on behalf of children was founded on the provisions contained in the Convention, including the principles of non-discrimination, best interests of the child, and the child's right to life and development. The progress of democracy and the transition to a market economy had called for a new approach, which was reflected in the elaboration of laws and in the creation of specialized child-care institutions and mechanisms. There had been significant developments in the factors governing child policies and social policy in general since the presentation of the country's initial report. Under the 1993 Constitution, the Government and local authorities had been given joint responsibility for protection of the family, women and children, social security, public health and cultural development. The principles of federalism should make for better defence of the rights and interests of the child according to the situation prevailing in each region, through the adoption of regional laws and programmes. At the national level, the authorities had adopted a medium-term strategy for improving the status of children by the year 2000, backed up by a plan of action in favour of children and a presidential decree. A federal law on fundamental guarantees of children's rights had been enacted in 1998, confirming the priority accorded to activities on behalf of children in public policy.

4. The child's right to life was given top priority. Measures already taken had succeeded in reducing neonatal mortality and mortality among children aged under five. In addition, there had been an increase in the number of children inoculated against diphtheria, poliomyelitis, viral hepatitis and tuberculosis. It was estimated that 95 per cent of young children were covered by prophylactic measures. Moreover, a risk-free motherhood and family planning programme started a few years earlier had succeeded in reducing the number of abortions, especially among young girls, and in alerting young people to the need for risk-free sexual relations and contraception. Given the problems encountered in that field, the authorities had been considering prevention and awareness-raising campaigns. Preventive treatment for handicapped children had been used to combat certain diseases and to diagnose them at a very early age.

5. New mechanisms in place since 1993 had served to establish a network of institutions for assistance to needy families, orphans and disabled children. Strenuous efforts had been made to train staff, finalize methodology, establish a legal and normative framework, and mobilize the necessary resources. In six years, more than 2,000 care, accommodation and rehabilitation centres had been created, as well as telephone helplines.

6. Recalling the importance assigned by the Convention to family environment as an essential requirement of child development, she said that there had been 620,000 orphan children or children left without parental care in the Russian Federation at 1 January 1999. One quarter of them had been placed in institutions and the rest in families, either through adoption or on a guardianship basis. Given that sorry state of affairs, attempts were being made to discover new forms of family placement and to set up homes that met the needs of orphans and offered them better living conditions. The adoption of the Family Code in 1996 had been particularly important. It established the educational facilities available to children deprived of parental care, as well as the methods to be applied for their placement. New types of institution had emerged and significant progress had been made in certain regions, although it was still difficult to solve all problems in short order. Both Parliament and the President also assigned special attention to the problem of abandoned teenagers. Street children lived in conditions prejudicial to their health and the development of their personality, which exposed them to acts of violence and economic and sexual exploitation. Accordingly, measures had been taken recently to combat that social scourge and enable those teenagers to resume a normal life. What was needed was to move on from repression to welfare and protection measures. Some 700 specialized institutions had been created in order to rehabilitate street children or render them emergency assistance.

7. Another very difficult situation was that of disabled children. Society had become more aware of the problem in recent years and parents had been able to join forces to help each other and defend their children's rights. Currently, 29,000 disabled children (5 per cent of the total) still lived in special boarding establishments, at the request of their parents or legal guardians. Despite measures taken to improve their lives in those institutions and promote their integration, the provisions of the Convention were not fully respected. The authorities themselves recognized the need for reform of the system, starting with its legislative base and the institutions themselves and including the introduction of reintegration methods and specialist training. A federal bill on social protection of the disabled was due to be finalized in 1999.

8. The situation of minors placed in educational establishments following court decisions was no more satisfactory. Monitoring by local authorities and those in charge had been facilitated, with more opportunities to meet young people and obtain access to files, and efforts had been made to improve the transparency of establishments. In 1997, the Federal Government had also promulgated a decree on the juvenile offenders' guardianship system. With the reorganization of the penal system until 2005, a set of measures would be introduced relating to the enforcement of sentences passed on minors, with due regard to international standards in the field.

9. Russian legislation contained provisions concerning protection of children against economic exploitation. Those provisions had been respected until the outbreak of the crisis, but the growing poverty of families, due mainly to the parents' unemployment, increasingly obliged children to work. The Russian Federation welcomed ILO's adoption of the proposed convention on the prohibition and immediate elimination of the worst forms of child labour.

10. Sexual relations with minors under 14 was an offence under the Criminal Code. Sanctions envisaged against prostitution involved the possibility of divesting parents of their rights. Preventive measures were also taken to combat sexual exploitation of children, especially for pornographic purposes. Thanks to international agreements, the Russian Office of INTERPOL had recently started receiving information on Russian minors working as prostitutes, disseminated abroad on the Internet.

11. The Russian Federation had done a great deal to strengthen child rights protection mechanisms under the Constitution. It had adopted the Family Code, the Criminal Code, the Code of Criminal Procedure and other laws cited in the report, all of which were basic instruments. Another important aspect of child protection was the very procedure for adopting legislation, which entailed parliamentary hearings and involved the participation of NGOs and civil society, thereby guaranteeing considerable transparency. Since the 1998 crisis, the Government had been paying greater attention to the needs of the most indigent children and to the funding of programmes on their behalf. A case in point was the "Children of Russia" programme, which covered 12 fields. An intergovernmental committee was responsible for coordinating the work of implementing the Convention and the Declaration of the World Summit for Children. In 1999, it had studied the important questions of child labour, the establishment of independent monitoring mechanisms, and the fight against drug addiction among children and adolescents.

12. Also of importance were the legal organs responsible for monitoring implementation of legislation, as well as the organizations that assisted in such monitoring. The Russian Federation was aware of the need for independent monitoring mechanisms in order to guarantee respect for children's rights. A pilot monitoring project had been set up in 1998, in collaboration with UNICEF and with public support in five regions. At the international level, a report on the status of children had been published as far back as 1994, and its appearance had encouraged the preparation of regional reports.

13. The question of the rights of the child had been the subject of increasing attention in the Russian Federation in recent years. The preparation of the report on the implementation of the Convention, and its dissemination to governmental agencies and NGOs had greatly contributed to that development. The Government was aware of the need to combine the efforts of all the components of civil society and to foster cooperation with child rights organisms and structures. In that regard, it hoped that the fruitful cooperation instituted in recent years with the international organizations would continue. Recognizing the inevitable shortcomings of the report and the existence of serious problems as yet unresolved, she admitted that it would take time to overcome those problems, but stressed her Government's commitment to protecting the interests of the child as best it could.

14. The CHAIRPERSON thanked Mrs. Karelova for her detailed and frank statement and invited Committee members to put questions to the Russian delegation.

15. Mrs. KARP, noting that scrutiny of the legislation in the light of the provisions of the Convention had not yet been completed, asked what bills were pending and what timetable was envisaged for their adoption. She would like to know what obstacles lay in the way of the harmonization process. Concerning the latest piece of legislation, the Federal Law on the Fundamental Principles of Prevention of Juvenile Crime, she asked on what concepts it was based and what mechanisms had been established for its implementation.

16. She also wished to know what role the Coordination Committee played and whether its decisions had prompted any changes. A centre which would be responsible for coordination and supervision appeared to be lacking in the federal system. Were there any plans to create a federal mediation body that could serve as an independent observer?

17. In view of the fact that implementation of the National Action Plan for Children, adopted by Presidential Decree, depended on the social and economic situation; that so far only some programmes under that Plan had been funded, and that a number of benefits were still unpaid, she asked what steps had been taken to remedy those problems.

18. She wished to know whether parliamentary debates on the annual reports had brought about any changes and whether anything had been done to offset the budgetary differences between regional and federal programmes.

19. Mrs. SARDENBERG highlighted two merits of the report: its wealth of information and its frankness, but regretted certain deficiencies in analytical thinking and self-criticism, as well as some vagueness regarding the place of children's rights in the Government's programmes of activities.

20. She asked whether the Ministry of Labour and Social Development and the other ministries had cooperated solely for the joint drafting of the report, or whether they did so on a permanent basis. Likewise, how did coordination between the Federal Government and the regions operate? Was civil society invited to participate in the drafting of reports, to ensure that the task, which was always in danger of remaining a purely bureaucratic exercise, should be connected to real facts?

21. The Committee had recognized in its 1993 concluding observations (CRC/C/15/Add.4) that it was not in a position to assess the impact that the new legislative measures might have on the situation of children, and it expressed the fear that Russian society was not sufficiently sensitive to the needs and situation of children belonging to particularly vulnerable and disadvantaged groups. She asked whether, six years later, society's attitude had changed with regard to the rights of all children in the Russian Federation.

22. She also wanted to know whether the Office of the Commissioner for Human Rights had exercised its right to propose bills concerning the juvenile justice system, or whether it had taken any initiative concerning the rights of the child.

23. Mr. DOEK welcomed the large number of ambitious projects indicated in the report and the frankness with which the Russian Federation's many problems were described therein.

24. With regard to the general measures of implementation, he would like to be informed of the State party's choice of priorities, since its economic situation did not allow it to implement all measures simultaneously. He asked whether the Government had considered appealing, or had appealed, to the World Bank or the IMF for financing for its social assistance programmes. If not, he strongly encouraged it to do so. One argument that could be adduced was that, since the high proportion of the population was under 18 years, it was children who suffered most from the consequences of the economic crisis. A share of funds mobilized should be assigned to child assistance programmes.

25. Where NGOs' contributions to the implementation of the Convention were concerned, he would like to know whether the members of the two interdepartmental bodies mentioned in the written replies received financial support from the Government.

26. Mr. RABAH asked whether NGOs had contributed to the preparation of the report of the State party and, if so, in which particular field. He wished to know whether there were any training programmes for persons working in the field of child rights protection, such as police officers, magistrates and social workers.

27. Regarding dissemination of the Convention, he asked whether it had been translated into several languages and what means were used for publicizing it, especially in rural areas. For instance, would a primary schoolteacher be able to describe the most important principles of the Convention, or what he or she understood by the best interests of the child? In that regard, were there any court decisions on family disputes or cases of young offenders that would show the Committee how the Convention was being implemented in the State party?

28. Mrs. TIGERSTEDT-TÄHTELÄ said she understood that not only the Duma but even the regions and towns were empowered to promulgate laws, subject to the Duma adopting framework legislation. How did the different legislative aspects combine in practice?

29. She also wished to know whether the budget required for enforcing a law was taken into account when it was submitted to the Duma. It was useful to assess needs beforehand, since once it had been passed a law had to be enforced.

30. On the subject of decentralization, she asked how tasks were divided between the central Government and local governments, which had a great many powers, including that of deciding their fiscal policy and the credits allocated for child protection. Did those governments avail themselves of their right to seek funds from the central Government, by informing it of their needs ahead of the financial year?

31. Lastly, she wished to know how the social security system was financed in the Russian Federation.

32. Mrs. KARELOVA (Russian Federation) shared the Committee members' view that the development of legislation was a complex process, especially in a country like Russia, which was going through a period of deep-seated reforms. A series of bills concerning fields such as juvenile criminal law, drug addiction, education and protection of the disabled, was to be adopted as a matter of priority by the year 2000, and she was pleased to say that the bills had already been finalized and had gone through their first reading.

33. As the Committee had rightly pointed out, Russia's financial problems were a major obstacle when it came to enforcing the laws, whence the need to establish a strict hierarchy of priorities. Social spending would be the first to be increased (to 35 per cent more than for the 1999 financial year), as well as the credits allocated to children's programmes, including the "Children of Russia" programme and the programme on prevention of juvenile homelessness. She was confident that the budget increases for the year 2000 would be accepted by the Duma.

34. The Act on the prevention of juvenile homelessness and juvenile crime which had recently come into force represented a crucial change. Whereas those problems had previously been addressed by the repressive forces of society (police and judges), they were in future to be dealt with by social protection bodies. Moreover, the Act clearly defined the tasks of the various administrative services and the way they had to be coordinated.

35. In response to a question on social service funding, she said a programme such as the "Children of Russia" was adequately financed, but it was the financing of investment-based projects, such as school or hospital construction, that posed a serious problem, since loans totalled a mere 10 per cent of the funds required.

36. Given the scant resources available, family allowances went first to families with children living below the poverty line. However, since certain regions were indebted, those allowances had still not been paid. It was therefore true to say that 70 per cent of children did not receive allowances, although that proportion would drop to 30 per cent once the arrears had been paid.

37. In response to questions put by several Committee members on the Interdepartmental Commission on Juvenile Affairs, she said it comprised representatives of all the ministries involved in children's rights, including the Ministries of Labour, Health, Education, the Interior and Finance, as well as regional representatives. The Interdepartmental Commission dealt with federal and regional issues. The education, health and social security budget was 90 per cent funded by regional governments and 10 per cent by the Federal Government.

38. The problem of street children was one that called for close monitoring; a data bank had been set up on the basis of information furnished in the documents that needy families were required to submit in order to receive a benefit. Those data were used to assess the families' standard of living and the situation of the children.

39. She explained that the annual reports on the status of children were studied and discussed at hearings of Parliament or the relevant parliamentary committees. The regions had recently been invited to send representatives to a parliamentary hearing on the status of children; unfortunately, many had been prevented from attending for lack of funds. The annual reports were drawn up with NGO participation. For example, the partnership agreement concluded between some 30 NGOs dealing with disabled children and the Ministry of Labour and Social Development provided for NGO participation in the preparation of annual reports and bills on the rights of disabled children.

40. There was a federal commissioner for human rights and, currently, a commissioner in each of five regions, under a pilot project supported by the Ministry of Labour and Social Development and UNICEF. The commissioners' activity had already yielded outstanding results. Regarding the shared responsibilities of the federal and regional authorities with regard to financing child-related programmes, it was worth noting that approximately 90 per cent of that funding was provided by the regions. There was a federal social assistance fund for children, which provided support to the most disadvantaged regions. Child protection policies were coordinated by the Ministry of Labour and Social Development and by various bodies, such as the Interdepartmental Commission on Juvenile Affairs or the Commission on Minors, which had a federal body as well as regional bodies. A bill was under study to review the statutes of the latter commission, currently governed by a 1967 Act. The coordination mechanisms also included councils of experts, composed of specialists, deputies and NGO representatives, dealing with specific projects. The NGOs were actively involved in project implementation and, in recent years, some 20 associations had signed partnership agreements with the authorities. The initial results of the partnership scheme were highly positive.

41. Regarding the attitude of society and the authorities to the most vulnerable children, while a great deal certainly remained to be done, legislation had been passed on the protection of children's rights, covering those of the most vulnerable children. The "Children of Russia" programme and its various target programmes showed that the Russian State gave priority to the fate of children living in very difficult circumstances. More specifically, the Russian Government's current priorities were accorded to abandoned and homeless children, orphans, young drug addicts and disabled children, which did not mean that other categories of needy children were ignored.

42. It would be fair and fitting for the international lending institutions to provide Russia with more funds to help it, inter alia, improve the situation of children. The World Bank was already financing various medical and educational programmes. The Committee could perhaps recommend to those institutions, especially the World Bank, that it provide priority assistance to child-related programmes.

43. Mrs. CHEPURNYKH (Russian Federation) said the Convention on the Rights of the Child had been translated and introduced in educational establishments, including in the context of civic education, at the same time as the other human rights conventions. NGOs contributed greatly to dissemination of human rights in general and the rights of the child in particular. The content of

the Convention was also included in the syllabuses of higher or vocational training for students preparing to be lawyers, psychologists, social workers or secondary schoolteachers. With regard to NGO participation, it was important to mention that in 1995, the State Duma had passed a law on child-assistance organizations, which provided for NGO participation at various levels and the possibility of concluding partnership agreements with the administration. Lastly, under the Constitution, the right to initiate legislation rested with the Duma and the Government.

44. Mrs. KARELOVA (Russian Federation), referring to the division of legislative powers between federal and regional governments, explained that the Federation generally passed framework laws, while the regions passed more specific legislation suited to their needs and their financial resources. By and large, according to the Duma's rules of procedure, bills with financial implications had to be funded and incorporated in the budget. That being so, the Duma did sometimes pass laws not proposed on the Government's initiative and therefore not covered by a budgetary allocation. In that case, enactment of the law needed to be deferred to the following budget. As a general rule, however, and increasingly so, implementation of legislation was provided for in the budget, and the Government and Duma acted in concert. Furthermore, the region might adopt legislation ahead of the budget, which would later be taken up by the Federal Government.

45. Certain problems did arise with regard to the breakdown of social spending and regional funding of federal programmes. Many regions were in arrears, not having, for example, paid their family benefits for months. The Federation intervened through the regional aid fund and financial transfer mechanisms, but the regions did not always give priority in their fund allocation to assistance to the children or categories of children for whom the funds were intended. Both deputies and NGOs had suggested the need for closer alignment between federal plans and financing on the one hand and implementation in the regions on the other.

46. Turning to judicial practice, she said the authorities were studying the possibility of constitutional monitoring of respect for the rights of the child and were seeking ways to ensure that those rights were effectively protected. So far, four court decisions had found violations in orphanages or boarding institutions.

47. Mrs. CHEPURNYKH (Russian Federation) said that there were two important federal laws regulating decentralization: one relating to the division of powers between the federal authorities and the regions, and the other governing autonomous local communities. Those laws determined which territorial authority was responsible for financing a given field or programme. Generally speaking, higher education and basic education were federal responsibilities, while most other spending was done by the regions, communes or villages. The Federal Ministry monitored law enforcement in the regions, while the Office of the Public Prosecutor was also empowered to monitor enforcement of federal laws.

48. Mrs. KARELOVA (Russian Federation) added that the financing of social protection was essentially a matter for regional and local bodies.

49. The CHAIRPERSON requested more information about the partnership agreements between NGOs and administrations, and on the training of persons dealing with children.

50. Mrs. KARELOVA (Russian Federation) said that the mechanism of partnership agreements between NGOs and the administration was highly effective, considering that some 20 NGOs had signed such agreements, and that it was hoped that the practice would be continued not on an ad hoc basis, but systematically. Also, children's rights were included in training courses for persons intending to work with children, and specialized training was also provided, for example, on juvenile justice, for prospective police inspectors and social workers.

51. The CHAIRPERSON invited Committee members to put questions on the three subsequent clusters on the list of issues: definition of the child, general principles, and civil rights and freedoms.

52. Mr. DOEK, having noted the exceedingly high child suicide rate, wished to know what the Government was doing to address that problem. With reference to article 37 (a) of the Convention, the Committee had received disturbing allegations that children were ill-treated, and even subjected to degrading treatment and torture, in child-care homes and institutions. Physically and mentally handicapped children were reported to receive the worse treatment. It also appeared that children were often diagnosed as mentally ill after a cursory examination, and were subsequently neglected and starved. If those allegations were true, they constituted a violation of article 37 (a) and other articles of the Convention. Did the Russian Government acknowledge those facts? If so, what measures were planned or being implemented to remedy the situation?

53. Mrs. KARP asked whether the new family allowance system for the most vulnerable groups of society might not create a new category of poor people. It would perhaps be useful to consider reallocating part of the credits to children instead of adding new budget lines. Given the complex division of powers between the Federation and the regions, she asked whether measures were being taken at the federal level to avoid de facto discrimination against certain children as a result of limited budgets for particular regions. A post of federal ombudsman should be created to monitor respect for the rights of the child throughout the country.

54. On the subject of disabled children, she hoped that the Government would take the necessary measures to put family assistance structures in place. Was there an independent organ responsible for investigating complaints filed against the security forces? As a general rule, it would be interesting to know whether mechanisms were available to consider the numerous allegations of acts of torture and ill-treatment inflicted on children, and to follow up the recommendations of the Committee Against Torture. Concerned at the fact that the "Family Planning" programme did not possess sufficient resources, she wished to know whether teenagers were informed about sexually transmitted diseases, whether specialized clinics existed in Russia in that area, and whether teenagers had access to them.

55. Mrs. EL GUINDI asked whether specific measures were envisaged for protecting ethnic minorities and other vulnerable groups against all forms of discrimination and for assisting low-income families, especially in rural areas.

56. Mrs. SARDENBERG urged the Russian delegation to consider the principles and provisions of the Convention as a tool that better reflected and assessed the real situation of children prevailing in the country. She would like to know whether the many allegations of violations of the rights of children from disadvantaged groups (such as poor children, orphans, street children and children in provisional detention centres) were publicly debated in the Russian Federation. She was particularly concerned at the numerous allegations of mistreatment of young girls in rural areas (in terms of access to education and sexual violence). She asked whether the proposal to set up a working group on issues relating to temporary detention in liaison with the Ministry of the Interior and the judicial system, made following the visit of Mrs. Mary Robinson, the High Commissioner for Human Rights, to the Saratov pilot institution, had been implemented.

57. Mrs. OUEDRAOGO asked whether, given the large number of disabled children in the Russian Federation, a study had been undertaken to determine the origin of the disabilities and whether medical action was being taken to prevent such cases. She would also like to know whether anything was being done to change parents' negative attitude to their disabled children.

58. Mr. RABAH called for clarification of the freedom of expression enjoyed by children before the courts or government agencies, in the event of a dispute with their parents. Was there a complaint mechanism for cases of corporal punishment in schools? Lastly, he would be grateful for more facts about the situation of children in Chechnya.

59. Mrs. TIGERSTEDT-TÄHTELÄ asked whether children's establishments were funded from the federal budget or regional budgets.

60. Mr. DOEK asked whether the Office of the Procurator had carried out any checks in addition to the 485 conducted in young offenders' establishments. What measures had been taken with regard to those youngsters, both within the establishments themselves and with a view to their social reintegration once they were released?

61. The meeting was suspended at 12.35 p.m. and resumed at 12.45 p.m.

62. Mrs. KARELOVA (Russian Federation) said that the question of child and teenage suicide was extremely serious and could not be answered in a few words. Studies had been undertaken to determine the reasons for suicidal leanings in children. Among the main causes of suicide were a decline in the standard of living, family disputes, problems at school and changing moral standards in society as a whole. Of suicides among children and teenagers, 92 per cent were directly linked to their family situation (alcohol, drug abuse, unemployment or refugee status). The Russian authorities recognized the magnitude of the problem and was according it special atten ion. Twenty thousand psychologist posts had been created in schools. Medical and social services were available to children and families who found themselves in

difficult situations, and it was planned to reinforce those services in order at least to stop the number of suicides increasing. Turning to the question of diagnosing of disabilities in children, she said that steps had been taken in 1996 to screen disabilities from the age of six months. It was true that those diagnoses were rarely reviewed, since the condition of children placed in specialized establishments was usually serious. There were insufficient specialized boarding facilities, even though, following the Committee's observations in 1993, the Russian Government had prepared a programme to train skilled personnel to care for those children with the right equipment and to ensure their subsequent reintegration into society.

63. Mrs. CHEPURNYKH (Russian Federation) explained that there were commissions specially assigned to studying the psychological problems of disabled children. A centre had been set up in August 1999 for that purpose, with the task of corroborating or refuting diagnoses. The "Orphan Children" programme had access to a federal database on all children in need of care.

64. Mrs. KARELOVA (Russian Federation) recognized the existence of mistreated children, but regretted that information on their cases tended to be published in Western tabloids but unfortunately was rarely transmitted to the Russian authorities. The Russian Government was making every effort to establish effective cooperation with NGOs, so as to ensure objective and professional monitoring of the situation of children who were victims of acts of violence.

The meeting rose at 1 p.m.

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.565
30 September 1999

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

SUMMARY RECORD OF THE 565th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 23 September 1999, at 3 p.m.

Chairperson: Mrs. MBOI

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of the Russian Federation (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.99-44366 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of the Russian Federation (continued) ((CRC/C/65/Add.5; CRC/C/Q/RUS/2; HRI/CORE/1/Add.52/Rev.1); written replies of the Government of the Russian Federation to questions in the list of issues [document with no symbol])

1. At the invitation of the Chairperson, the members of the delegation of the Russian Federation resumed their places at the Committee table.

2. The CHAIRPERSON invited the delegation to respond to the questions raised by Committee members.

3. Mrs. KARELOVA (Russian Federation), replying to a question from Mrs. Karp on the benefits system, said that the main form of assistance for children with families until August 1999 had been a monthly allowance for each child. However, allowances were currently paid only to families with children whose per capita income put them below the poverty line, as a temporary measure from August until January 2000, when it was hoped to revert to the original system. That measure had been taken because many regions, despite receiving funds from the Federal Government for the purpose, had failed to meet their obligations to children; the Federal Government had therefore been obliged to provide 7 billion roubles to make good that deficiency to families living below the poverty line. It had also decided to conclude an agreement with each region for repayment of their child-benefit debts for the previous period. While financial problems persisted, it was encouraging that arrears in payments of old-age pensions and social welfare grants had been cleared.

4. There was also a new type of benefit for poor families with or without children, for which pilot projects had been launched in three regions with World Bank loans, and it was planned to extend it to the entire country. A third system of benefits targeted needy families at the local and regional levels. Since it varied from region to region, and given the Committee's concern that all children should have the same opportunities to enjoy their rights, the Government would use its regional assistance funds to make provision more equitable. The "Children of Russia" programme included a programme, "Children of the North", under which additional investments were made to provide medical care for children living in small villages in remote areas. The Federal Government also provided assistance with access to clinics for Chernobyl children and those living in other ecologically threatened areas, the cost of which could not be borne exclusively by the regions.

5. To the question concerning the use of international aid for resolving children's problems, she said that numerous monitoring mechanisms were in place. In any event, Russia, at least in the modern era, was perpetually scrutinized by many international organizations. The Federal Government also intended to establish the post of Commissioner for the Rights of the Child. The prerequisites existed in the form of support from the public, non-governmental organizations and the authorities, and currently the political will.

6. In the previous five years, over 2,000 local and regional social service institutions involved with families, women and children had been established. Where federal agencies existed, they focused on training staff for those institutions, although a federal social service and support programme for institutions providing such services to families, women and children had existed since 1993. The regions received assistance from the Federal Government in the form of rehabilitation equipment, specialist training, and education for women, children and families. While efficient complaint mechanisms existed, the delegation agreed that an independent monitoring agency should be created to supplement the existing ones. Complaints against the police were heard by an independent court and there was strict control of the organs of the Office of the Federal Procurator-General. The Ministry of Foreign Affairs had recently established a self-monitoring system, closely scrutinizing security within its own system and investigating all complaints of abuse of police authority.

7. A 1998 federal law on the guarantees of the rights of the child established the rights of children in institutions, hospitals and schools to periodic assessment of State services provided for them and of the main indicators of quality of life. The assessment was conducted by authorized bodies, at the request of children or their legal representatives. Pursuant to article 25 of the Convention, under Russian law failure by officials to fulfil requirements adequately or to address any deficiencies entailed legal liability.

8. To the question on the Russian Federation's implementation of the United Nations Convention against Torture, responsibility for the criminal justice system had been transferred from the Ministry of the Interior to the Ministry of Justice. Two juvenile correctional facilities had been set up, and the Government had decided to split them into smaller units and locate them nearer to the children's homes in order to facilitate family visits. A bill had been prepared for the elimination of the strict-regime colonies for children and teenagers, which were generally not independent and had been originally intended for adult offenders.

9. There had been two questions concerning sex education for Russian teenagers: one on federal family planning, the other on sex education methods. The "Family Planning" programme was directed mainly at developing a modern system of sex education throughout the Russian Federation. Financing, especially for abortions and other operations, had been allocated to the "Safe motherhood" programme. The idea of sex education in Russian schools had been politicized and had met with fierce criticism from members of the "leftist opposition" in the State Duma and from the Church. The Ministry of Education nonetheless considered it necessary for children to be suitably informed. It was therefore examining textbook content and would accord higher priority to sex education in a course on the main aspects of safe living, as it would to the activities of the country's more than 500 medical and psychological centres. Work was underway for publication of a manual to help parents supply such education, as well as sex-education packages that teenagers could consult in private rather than in large auditoria. For purposes of AIDS and drug abuse prevention, children needed to have a clear view of the dangers they faced.

10. On the question of ethnic minorities, she drew members' attention to the federal National-Cultural Autonomy Act, in which various rights of ethnic minorities were enshrined. Educational services comprised a federal component, as well as a national component which allowed ethnic minorities to preserve their traditions, language and environment. Instruction was currently imparted in 26 of Russia's 75 national languages. Funds for textbooks from the Russian Federal budget were allocated exclusively to schools attended by small ethnic groups of the Far North, so that they would not forget their own language. Measures were also being taken to ensure that they had access to higher and specialized middle education.

11. In response to Mrs. Sardenberg's question concerning the coordinating mechanism, the delegation agreed with the assessment of the national report under discussion as a means of evaluating the status of children and of mobilizing resources for its enhancement. The aforementioned Interdepartmental Commission coordinated the work of all agencies. For example, in the Government's recent debate on the question of preventing law-breaking, its approach had been based on a series of measures previously coordinated by that Commission, apprising the Government of each agency's role when it encountered such phenomena as large numbers of orphans in a given city or region. While the role played by the Ministry of the Interior was less conspicuous than previously, many of its employees still needed to be briefed on ways of dealing with street children, who were required by law to be placed in protection centres. Every effort was made to locate their relatives or place them in foster families if they had been abandoned. There were insufficient institutions dealing with street children, most of whom in Moscow originated in the countries of the Commonwealth of Independent States (CIS), and the Government cared for them through the social protection agencies.

12. Concerning the accuracy of the national report submitted, she said that it was not easy to reflect everything pertaining to all the republics and regions in a single document. Since the country would be submitting further reports, it would use the opportunity to supplement earlier information and respond more fully to the Committee's questions. After the drafting of the periodic report, a national plan of action for implementation of the Convention had been established and account would be taken of Committee members' comments and concerns in that context.

13. With regard to disabled or orphaned children, she said there was constant press coverage on the status of children, especially vulnerable children, so that the public was kept informed. With UNICEF assistance, a start had been made in 1999 on monitoring implementation of the Convention, and the services of educators and psychologists were being solicited.

14. In reply to the question concerning the status of girls in rural areas, she said that since children in rural areas were probably more discriminated against than their urban counterparts, a programme for rural schools had been instituted to bring them into line with those in urban areas. In an effort to ensure that the very high statistics for children completing primary and secondary education in Russia should also pertain to vocational and technical education, assistance was being given to enable rural children to enrol. The

problem of prostitution of young girls was no worse in rural than in urban areas; throughout the Russian Federation as a whole immorality was more rife in large cities.

15. Mr. BOYCHENKO (Russian Federation), replying to Mrs. Sardenberg's question concerning the follow-up to the visit of the United Nations High Commissioner for Human Rights to the Russian Federation in June, said the latter had applauded the creation of the special Interdepartmental Commission on Juvenile Affairs, comprising heads of law enforcement agencies and other departments, who met regularly to discuss inter alia ways of reducing sentences and custodial detention. Specific measures had been proposed to take account of the High Commissioner's observations during her talks with Government officials, particularly on the status of disabled children in special homes and the reduction of pre-trial detention. One comment made by the High Commissioner had already been acted upon by the Procurator-General of the Republic: persons in temporary detention, including juveniles, were entitled to be medically examined if there were grounds for thinking that they were being ill-treated. In the context of the High Commissioner's talks with government officials, a draft for the development of human rights education had been signed, an ambitious project covering three years and designed to strengthen national capacity in that area, with particular focus on teacher-training colleges. The intention was to set up a national network of NGOs with a view to adoption of a State human rights education programme.

16. Mrs. KARELOVA (Russian Federation), in response to a question from Mrs. Ouedraogo, said that a subprogramme to address the problem of disabled or invalid children involved the screening of pregnant women among other things, and covered a high percentage of women and children. The problems associated with rural areas and the Far North precluded total coverage, but those were being addressed by the establishment of genetic medical centres in, for the time being, places with inadequate infrastructure. Diagnostic centres had been set up for early detection of the causes of disabilities, so that children's needs could be promptly met.

17. Concerning relations with the families of children in care, she said that they could visit freely and 30 per cent of parents did so. With others, however, who had permanently abandoned their children, links had been severed. A network of centres helped families raise disabled children at home, encouraged caring in mothers and tried to rehabilitate the child or help the mother find work, preferably part-time. Every effort was being made to provide alternative forms of care.

18. In answer to Mr. Rabah's question on the right of children to be heard, she said the Ministry of Education had encouraged educational establishments to make sure that children's views were taken into account. There were 72 regional newspapers and organizations which expressed children's views and some 15 regional television studios allowed children to voice opinions. Children from the age of six upwards might be invited by magistrates to attend judicial proceedings accompanied by family representatives and from the age of 10 onwards could have their views conveyed by a legal representative. She recognized that those measures did not yet go far enough and the Ministry of Education was planning to establish regional children's rights offices.

19. Corporal punishment was prohibited in all educational establishments. It was of course impossible to state categorically that it was not inflicted, but councils had been set up recently by presidential decree that would enable speedy action to be taken by the school administration if cases of corporal punishment did occur.

20. The situation of children in Chechnya was unclear at present, since the territory had not recently submitted any information whatever to the federal authorities. The latter were still fulfilling their obligations by paying out child benefits to Chechnya, although the benefits did not always reach those entitled to receive them. The Russian Federation was trying to respond positively to all requests for assistance for children in that region. All requests from the Chechnya authorities for children to receive health care in centres in the Russian Federation had been granted. Such care included operations and care for the disabled or for those injured during military conflict. She undertook to send further information to the Committee as it was received.

21. There was a great deal of information regarding minors in educational colonies, State farms and other such institutions, which would be better transmitted to the Committee in writing.

22. Mr. DOEK, referring to the Government's reply to question 17 on the list of issues, asked what the difference between "foster families" and "receiving families" was. With regard to the reform of alternative care, he asked whether the Government had any major programme to deinstitutionalize child protection and develop the system of foster care and adoption.

23. Referring to the Government's reply to question 16, he said that an annual increase of 70 per cent in intercountry adoptions was rather worrying. According to information received, some 100,000 children were available for adoption in the Russian Federation. There was also information about the possibility of abuse of intercountry adoption schemes, particularly in the form of payment being made for Russian Federation children who then went to western countries. What measures were being taken to prevent that practice? More generally, what was being done to promote the adoption of children within the Russian Federation itself?

24. He noted from the reply to question 6 that the President of the Russian Federation placed a high priority on the prevention of child neglect. How much money had been allocated to the programme to combat neglect; what bodies were involved in implementing the programme; and what measures were being taken to prevent child neglect, which seemed to be a major problem in the Russian Federation?

25. With regard to children with disabilities, he asked what was being done to increase their access to regular education, the rate of which was still very low.

26. He noted that unaccompanied refugee children were allowed access to health and education only if they had refugee or displaced person status. He wondered how that was defined and whether the Russian Federation planned to change that regulation in any way. It seemed from article 16 of the federal

law on citizenship that any child on Russian Federation territory whose parents were both unknown had Russian nationality. To what extent did that apply to unaccompanied children who had fled to the Russian Federation?

27. Regarding child labour, he said there was information to suggest that, as a result of the economic crisis, children found themselves obliged to work to generate income and trade unions feared that the numbers of working children might increase as a result. Was the Government aware of that development and did it have plans to prevent it?

28. Ms. EL-GUINDI asked what measures were being taken to regulate adoption putting the best interests of the children first. With regard to health, information showed that the mortality rate for under-fives had not improved in recent years and that the 1995 national nutrition survey showed that 4 per cent of that group of children were suffering from malnutrition. In 1998, more than twice as many children had been found to be suffering from tuberculosis than in 1991, and there had been a 6.6 per cent increase in the number of children suffering from tuberculosis between 1997 and 1998. She wondered therefore what measures were being taken to protect the resources allocated for children's health care from the impact of budget cuts.

29. Ms. KARP said that her earlier question had concerned not a monitoring system but the possibility of international technical assistance in relation to disabled children, under article 23, paragraph 4 of the Convention. An exchange of information from other experiences might be of great importance to the Russian Federation as it went about building new institutions.

30. She noted with satisfaction that social services were becoming more family- and community-based, particularly counselling services, with the aim of dealing with children in the way envisaged in the Convention, namely through dialogue. She wondered what measures were being taken to combat domestic violence against women, for example through public campaigns encouraging women to report incidents. According to a recent BBC television programme, Russian women did not complain about domestic violence, because they saw it as normal. Domestic violence had a destructive psychological effect on children, and she wondered what structures existed to empower women in that regard: were there special police investigators who took women's complaints seriously? How was society dealing with the problem?

31. It was important to remember that treating neglected children or juvenile delinquents was not the same as treating the victims of sexual abuse. Did victims of sexual abuse, particularly abuse within the family receive professional treatment? Were there any special court procedures for hearing children's complaints and helping them to give evidence? In short, had multidisciplinary methods been developed to deal with sexual abuse?

32. In its written replies, the Russian Federation had reported that accession to the Hague Convention on the abduction of children might be against Russian law, since it was not an offence for one parent to take custody of a child. The child had, however, the right to a relationship with both parents and abduction by one parent violated that right. How did the Criminal Code formalize that aspect of children's rights?

33. She understood that the responsibility for education had been shifted from the Ministry of Education to parents and that the school drop-out rate had subsequently increased. Was there any intention to reconsider that allocation of responsibility, particularly in view of the fact that, at a time of economic crisis, families might prefer children to go to work? How did the Government protect children so that they could continue their education?

34. With regard to the juvenile justice system, she said that, although as a general rule nobody could be detained for more than 48 hours before trial, there was a Presidential Decree that allowed detention incommunicado for up to 30 days and she wondered if that applied to children also. She requested clarification of the situation whereby it was the judge who decided on detention but the prosecutor who decided on pre-trial detention and appeals. She welcomed the new law on sentencing but she wondered whether the Russian Federation had established mechanisms to make it possible to pass alternative or conditional sentences such as probation. If so, to what extent were such mechanisms generalized?

35. She pointed out that, although 11 to 14 year olds were not criminally liable, they could be subject to administrative detention imposed by educational institutions rather than courts. She wondered whether there were any plans to deal with that aspect in forthcoming legislation, since children's rights were violated if they were deprived of their liberty other than by the courts. In addition, she asked whether any time limit had been set for establishing the special juvenile court. She wondered whether a target date had been set for the reform of education or whether priorities and procedures still had to be decided. Lastly, she asked whether there was any national plan of action to implement the Agenda for Action of the World Congress against Commercial Exploitation of Children, held in Stockholm in 1996.

36. Mr. RABAH asked whether there were any special detention centres for children and whether police departments worked together with NGOs involved in protecting juveniles. Were there any rehabilitation centres to reform offenders, with the involvement of social workers or teachers, or any post-release care scheme? He also wondered whether there was any system of legal aid and, lastly, whether there were any statistics on street children; was that an issue or a phenomenon in the Russian Federation and how were they protected?

37. Ms. SARDENBERG said that sexual exploitation in rural areas was of particular importance. The phenomenon was usually an urban one but unemployment in rural areas forced some children into prostitution at 12 or 13 years of age. The Committee was encouraged by the strong stand being taken in public awareness and the media, but what was really happening? How many investigations were made? There were so many institutions involved - institutions for the disabled, education colonies and State farms - not to mention different ministries. The Convention should be able to provide the answers - not just in terms of measures and reform but also a change in attitude. The institutions themselves represented a central issue in the area of child rights in the Russian Federation: their purpose was clear but they were not in keeping with the spirit of the Convention or with modern research on child development.

38. Ms. TIGERSTEDT said that the report had given further detail on drugs, alcohol and related crime. The penalties for introducing children to drugs and alcohol had been increased and anti-alcohol propaganda circulated in schools. But rehabilitation and treatment were still inadequate. Were there any supportive or preventive measures to help families before children were taken by the authorities or went on the streets? Had any studies been carried out on alcohol abuse? She also wondered whether there were any NGOs like Alcoholics Anonymous to provide individual support or support to help families stay together.

39. Mrs. OUEDRAOGO said she would like to know what measures were being taken to limit children's access to the Internet as a means of protecting them against paedophile and pornographic networks. The high rate of abortion in the Russian Federation was no doubt a threat to women's reproductive health; were women being educated about family planning to discourage them from resorting to abortion as a means of contraception?

40. Considering the failure of the breastfeeding programme and the absence of legislation in that connection, and bearing in mind the possible harm the heavily advertised milk substitutes might pose to children's health, what was the Government doing to address that situation? Also, were students being taught about accident prevention in an effort to stem the high occurrence of accidents among young people? Begging seemed to be on the increase; had the Government taken any steps to protect children against that practice?

41. Mrs. KARELOVA (Russian Federation) said that, in the absence of legal definitions of prostitution and pornography or a special department devoted to those issues, it was difficult to evaluate the scope of the problem if indeed, it did exist. Figures for cases of venereal diseases, sexual violence and child prostitution were admittedly high but had to be assessed against the considerable size of the total population. The Russian Interpol office had provided information which confirmed the prostitution of minors via the Internet. However, the Government had been offered international assistance to combat the problem.

42. Violence against girls was continually rising. In the case of women, as they were still reticent about that kind of abuse, it was difficult for law enforcement officials to deal with the problem. The decision had been taken to set up crisis centres in each region, especially for women and children who suffered domestic violence, which although small in number were staffed by trained professionals. The Committee would be provided later with information regarding court proceedings instituted against alleged perpetrators of violence against women.

43. An international agreement with the United States, France, Great Britain and Canada had been reached at the conclusion of a conference on rape by family members, held under the joint patronage of President Yeltsin and Mrs. Hillary Clinton.

44. Turning to the correctional system, which fell within the mandate of the Ministry of Justice, she said some centres offered vocational training and

opportunities for some occupational activity. There were also possibilities for visits from family members and non-governmental organizations, and sports facilities were sometimes provided.

45. The CHAIRPERSON reminded the delegation of the outstanding questions that remained unanswered.

46. Mrs. CHEPURNYKH (Russian Federation) indicated the number of children adopted as well as those who had been placed in educational institutions or foster homes and said that the Government gave priority to parents for the care of their children. However, where that was not possible, the next appropriate measure was implemented.

47. A federal data bank had been set up to monitor children who had been either taken into care or adopted. Of the total number, 10 per cent were under 6 years of age and the others were aged up to 18 years. Most people were extremely secretive about adoption and preferred to adopt children of 2 years and under. The wait could be very long. Some people would make contact with pregnant women; others would go to a different town to adopt a child to prevent people from knowing that the child had been adopted. As a result, it was very difficult for older children to be adopted. They could be placed in institutions, foster homes or back in their own families but funding remained an obstacle, especially as the Government tried to grant the same funding to families as to other forms of care. Adoption was based on a court decision handed down in the geographical area where the child was resident. However, because there had been cases of illegal adoptions, new legislation had been passed to monitor the licencing of adoption agencies.

48. As a result of the economic crisis in 1998, the number of abandoned children had increased, whereas the number of adoptions had fallen drastically. In light of the Government's inability to cope with child benefit payments, new legislation had been passed to make parents more liable for the financial support of their children.

49. The system for selecting adoptive parents was quite thorough, involving the submission of a considerable number of documents and an examination of the income, housing and health situation of the prospective adoptive parents. As regards the custody of children when one of the parents lived in a foreign country, the decision rested with the courts as to where the child should live. When they reached the age of 18, children were free to make their own choice in that regard. Furthermore, the other parent enjoyed an equal right to be heard in court.

50. As to special education for children with disabilities, a significant number were either placed in specialized schools, such as schools for the blind, deaf or mentally retarded, or in ordinary schools with a special support system. However, more needed to be done for children with Down's syndrome and children who were seriously mentally retarded. Parents of children with special needs had been left the choice as to whether their children attended a special school or an ordinary school. Access to higher education had been improved and the number of pre-university colleges had

risen to 20. The Government was aware of the inadequacy but hoped that more children would be able to benefit from the choice of home-based education, mainstream education or special schools.

51. Hardly any problems arose with regard to the education and health care of the children of refugees and internally displaced persons, because the determining factor was the child's place of residence. However, there were a few cities, such as Moscow and St. Petersburg, which required further attention in that regard.

52. Education was compulsory for the first nine years of schooling, which were completed by the vast majority of children. A considerable percentage even went on to pursue secondary education or vocational training. In September 1999, a census had been taken of children in the whole of the Russian Federation, which had revealed that a large number of children did not attend school for lack of means. Consequently, measures had been introduced to assist needy families. It was hoped that legislation on the minimum school age would be amended by 2000.

53. There were also centres for children with deviant behaviour. After three years, if their behaviour was acceptable, the children could be transferred to ordinary schools. In addition, the former closed educational institution had been replaced by an open type where juveniles could interact with other children and even spend time at home, in an attempt to make the system more humane.

54. With regard to educational reforms, the 12-year school system would not be introduced for a further 8 years, in order to allow time for texts to be prepared and for teachers to be retrained.

55. Mrs. KARELOVA (Russian Federation) said that child labour was a serious source of concern for the Government. A study by a labour market research institute had furnished statistics of the worst forms of child labour, including prostitution, begging, work at gas stations and on the streets and in agriculture. A large number of juveniles were gainfully employed by friends and other adults without going through the normal channels for temporary work. Information in that connection could be submitted to the Committee if necessary. Mortality rates continued their downward trend for children of all categories, although they were still relatively high. Foreign technical assistance was extended to the Russian Federation in the context of cooperation projects with a large number of agencies, in addition to bilateral agreements.

56. Replying to the question on the length of pre-trial detention periods, the Government was aware that those periods were sometimes too lengthy and that was one of the objectives of the reforms. With respect to substance abuse, anonymous services existed, although not many. The problem was also being dealt with unofficially but measures were being taken to give official status to those services to enhance their efficiency.

57. Mrs. Karp had asked about the possibility of establishing a single structure for the development of social services. Within the Ministry of Labour and Social Development there was a department dealing with matters

related to family, women and children's affairs, which did indeed play a coordinating role for social services provided to those groups. As for the question relating to the Internet, she was not in a position to provide detailed information. However, because the Internet had generally not developed extensively in Russia, no normative measures had yet been adopted to protect children from exposure to pornography. Nonetheless, her delegation had taken note of the comments of Committee members and would take them into consideration for the future. The number of abortions was decreasing, but was still very high. The authorities were conscious of the importance of the problem.

58. Mr. DOEK asked what was meant by "socially dangerous acts" when referring to crimes. The term would appear to be similar to offences qualified as "status offences", for example in the United States, whereby a child's disorderly behaviour was treated as a crime. What exactly was covered by that concept?

59. The Government of the Russian Federation was apparently not considering the ratification of the Hague Convention on the Civil Aspects of International Child Abduction of 1980. The office of the public prosecutor had issued an opinion against ratification. The international abduction of children was a serious problem, and required effective measures. Above all, it should be made clear to parents that such acts would not be tolerated. What was the reason the Russian Government had not ratified the Convention?

60. Mrs. EL GUINDI asked for an explanation regarding the fact that some 55 per cent of teachers in small primary schools had not received higher education.

61. Mrs. KARP said that she had received a letter of complaint from women living in Omsk who had not received child allowances for over one year. How did the Government plan to deal with the problem of arrears in the payment of child allowances?

62. Mrs. SARDENBERG drew the attention of the delegation to the importance of the active participation of children in institutions. Were there any specific mechanisms allowing children to take part in discussions about neglect, abuse and ill-treatment?

63. Mrs. CHEPURNYKH (Russian Federation), replying to an earlier question, said that a "receiving family" was one which accommodated a number of children in a family setting. The use of receiving families was quite extensive throughout the country. On the other hand, "foster families" were quite new to the Russian Federation, and were limited to a few pilot projects in Moscow and five other regions. In such cases the child's institution made a financial contribution to the family in question to assist with the upbringing of the child. In devising a method of assigning children to such homes with a guarantee of minimum standards, the authorities were relying heavily on the experience of the British foster system.

64. The lack of juvenile justice legislation was a very serious shortcoming of the Russian legal system, and one which needed to be addressed in the near future. For the time being juvenile justice cases were handled in various

ways. For example, a particular magistrate could be assigned the task of dealing with juvenile or family matters. Under a system set up in the Lyubertsy district near Moscow, specific juvenile courts heard cases, but that system was still in an experimental stage.

65. With regard to the Convention on the Civil Aspects of International Child Abduction, the Ministries of Justice, Foreign Affairs, Education, the Interior and Labour and Social Development had all supported ratification, and it was only the prosecutor's office that still had doubts. Because 1999 was an election year, chances of ratification in the near future were slim. However, the members of the Committee should rest assured that the matter would be pursued by the ministries concerned, and the Convention would probably be submitted to the Duma following the elections. The Duma would then have to take the final decision based on the cases made respectively by the ministries and the prosecutor's office.

66. Under the new amendments to the Criminal Code, children could be sent to special schools only under a court order, and no longer on the sole basis of a decision by the commission on juvenile affairs.

67. While the majority of teachers in small primary schools had received specialized secondary education, most teacher training in the Russian Federation took place at university level, and it was hoped that in the next five years teacher training programmes would be restructured so that not only all general school teachers, but also all instructors in specific subjects would receive a university education.

68. Survival techniques, accident prevention and first aid were taught in Russian schools right from kindergarten. In addition, each school had a medical service, which carried out preventive measures and upheld standards to prevent illnesses and accidents in the institution.

69. Mrs. KARELOVA (Russian Federation) said that victims of sexual exploitation received psychological and medical attention and instruction at all 700 social centres in the country. In addition, there were the 37 crisis centres that had been set up in the various regions, which received both women and children subjected to violence. Over 1,000 social refuges existed for the homeless, and all were part of the social services system. Children could be held for offences in temporary isolation centres run by the Ministry of the Interior for up to two months, and in exceptional cases the prosecutor's office could extend the stay still further.

70. Breastfeeding was, of course, promoted by gynaecologists and other medical specialists. While no financial incentives were provided, support was given in the form of explanations of the medical and affective importance of breastfeeding. A UNICEF programme was under way to develop more ways of promoting breastfeeding.

71. Mr. BOYCHENKO (Russian Federation) said that the term "socially dangerous offence" was basically equivalent to the terms "offence" or "crime", and in actual fact did not reflect any kind of judgement with respect to social or anti-social behaviour.

72. Mrs. CHEPURNYKH (Russian Federation), referring to children's participation, said she could not provide information on the situation in such institutions as isolation centres. However, she acknowledged that there could be more and better participation in certain other institutions, such as refuges and boarding schools, and that it might be advisable to involve NGOs in setting up such mechanisms.

73. Mrs. KARELOVA (Russian Federation) added that refuges and boarding schools for mentally or physically handicapped children had no mechanism for the representation of children on their councils. As for the arrears in the payment of child allowances, she had earlier acknowledged that the problem of delayed payments was encountered throughout the country. The delegation was prepared to take note of the situation of the families concerned and to try to help them recover their dues.

74. The CHAIRPERSON invited Committee members to make preliminary observations following the discussion with the delegation of the Russian Federation.

75. Mrs. KARP said she wished to express words of encouragement to all those who were working to strengthen the rights of the child in the Russian Federation, which was undergoing a painful and long period of restructuring and faced a serious economic crisis. The country was on the right track in establishing new institutions.

76. The discussion with the delegation had been very fruitful, and the Committee's Concluding Observations, which should be seen as a continuation of a constructive process of dialogue, would certainly reflect the points raised. It was heartening that the delegation acknowledged the problems facing the country, and especially that its members were aware of many of the measures that were needed, for example in the legislative field. Of course, the appropriation of budgetary support and the allocation of manpower resources were also needed. She trusted that the delegation would publish an account of its discussion with the Committee, and hoped that the Government would report in 2000 on the progress achieved in the meantime.

77. Mrs. SARDENBERG thanked the delegation for its enormous effort, through which it had provided a great deal of information. The Convention had an extremely democratic perception of the child in society, and it would be very beneficial indeed if the Russian Federation took a stand to put children's rights onto the national agenda. The Government should be encouraged in particular to address the issue of children's participation in institutions, which appeared to be a subject requiring immediate action.

78. Mr. RABAH said that his concern was with the lack of a juvenile justice system. The Committee had requested additional information on the establishment of such a system in 1993, but still no appropriate legislation had been adopted. Hopefully, Russian children would not have to wait another five years for such legislation, which was extremely important. Incarcerating

children in adult institutions was tantamount to sending them to schools of crime. The report and discussion had been extremely useful and positive, and he wished the members of the delegation every success in their work on behalf of Russian children.

79. Mrs. KARELOVA (Russian Federation) said she was pleased with the useful exchange of ideas with the Committee members. Her delegation understood that the Russian Government had made some progress, but that a lot more remained to be done. Drawing up policy for the rights of the child was an extremely difficult, ongoing process which took time, especially where the adoption of legislation was concerned. The constructive dialogue engaged with the Committee would very much help the Government in its future work.

The meeting rose at 6.00 p.m.

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.566
4 November 1999

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

SUMMARY RECORD (PARTIAL)* OF THE 566th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 24 September 1999, at 10 a.m.

Chairperson: Mrs. MBOI

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Vanuatu

* No summary record was prepared for the rest of the meeting (closed).

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.99-44356 (E)

The discussion covered in the summary record began at 10.35 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Vanuatu (continued) [CRC/C/28/Add.8; CRC/C/Q/VAN/1 (List of issues); written replies of the Government of Vanuatu to questions raised in the list of issues (Conference room paper with no symbol, distributed in English only); country study (CRC/C/A/VANU/1)]

1. At the invitation of the Chairperson, Mr. Mael (Vanuatu) took a place at the Committee table.

2. Mr. MAEL (Vanuatu) said he hoped that his remarks would be in keeping with the recommendations made by the Committee on the Rights of the Child and said he was willing to answer all questions which the members of the Committee might wish to ask.

3. The CHAIRPERSON invited the members of the Committee to comment on the written replies to the questions raised in the list of issues concerned with Vanuatu's initial report under "General measures of implementation".

4. Mr. DOEK thanked the delegation of Vanuatu for the answers provided, which gave detailed information on the situation of children in Vanuatu. He inquired whether the coordinating agency for children's rights had been established and whether it would have an impact on the activities of the ombudsman, for example on the practical implementation of the ban on corporal punishment in schools.

5. Mr. RABAH asked if Vanuatu had made reservations to certain articles of the Convention. If not, how did the country plan to resolve any possible contradictions between customary law and certain provisions of the Convention? He would like to know the budget allocated to programmes for children, the measures taken to disseminate the Convention in the country and training programmes for jurists, law enforcement officers and all other persons responsible for implementing the principles of the Convention.

6. Mrs. SARDENBERG noted that Vanuatu's report gave a good deal of information about health and education of children but was silent on many other issues; she wondered what were the reasons for that. She also asked whether Vanuatu intended to accede to the major human rights instruments, notably the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. She enquired whether the Government of Vanuatu planned to strengthen child policy coordinating mechanisms, bearing in mind the planned reduction in the number of civil servants.

7. Mrs. KARP said she would like to know whether the measures mentioned in the report also applied to children living on the remote islands. Children's rights should not be limited to health alone. Were measures being taken to publicize the existence of the ombudsman in the country and were there plans to re-examine customary law in order to harmonize it with the provisions of the Convention?

8. Mrs. TIGERSTEDT-TÄHTELÄ asked whether Vanuatu intended to ratify the major human rights instruments, notably the two Covenants. She would also like to know whether efforts were being made to disseminate the Convention and, above all, to understand the philosophy behind it. What were the main difficulties encountered in that regard?

9. Mr. MAEL (Vanuatu) said that his country was a tiny island State in the Pacific with very limited resources. The great majority of the problems raised in the Convention (sexual abuse, etc.) did not exist in Vanuatu which, because of its isolation and the large number of its constituent islands, was not exposed to the problems inherent to modern societies. The Government of Vanuatu had ratified the Convention but had not yet taken the necessary steps to incorporate its provisions in domestic law. Children's issues were considered to be an indivisible whole. The Cabinet of Ministers, in particular the Ministers of Education and Health, was currently preparing a policy to implement the provisions of the Convention.

10. On the question of the ombudsman, that system of mediation was not yet well known in Vanuatu and the ombudsman could only carry out an investigation if a case had not been brought before the courts. He only intervened if he was specifically called upon to do so. Unfortunately, not all members of the population were informed of his role. When he received a complaint, he prepared a report and then turned over the case to the police or the judicial authorities if he believed that the law had been infringed. However, existing mechanisms were not always used. A number of reports had not yet been examined for lack of resources and competent staff. Although the principles of the Convention had generally been recognized, there was no real political will to carry out that type of activity and to devise strategies and legislative provisions in that regard.

11. The CHAIRPERSON asked whether measures had been taken to publicize the Convention and whether the Government attached importance to its dissemination.

12. Mr. MAEL (Vanuatu) explained that since 1992 when Vanuatu had ratified the Convention, there had been a change of Government every four months. That political instability, made even more sensitive by the use of two official languages (English and French), prevented any real action from being taken. In 1996-97 a global reform programme had been adopted to establish structures which would allow the Government to remain in office longer. It was only since the start of the current year that more attention had been given to the Convention. When the country attained greater political stability, it would be easier to establish priorities and introduce measures.

13. Mrs. TIGERSTEDT-TÄHTELÄ asked what were the issues of primary concern to the Government and what its priorities would be if it did not keep changing.

14. Mr. MAEL (Vanuatu) said that one had to know the country and its mentality to understand the situation. The Convention was not the uppermost concern of the political leaders of Vanuatu. Their attention was focused more on immediate problems, such as the building of an airport or the political life of the country. As things stood, the implementation of the Convention could hardly be considered a priority.

15. The CHAIRPERSON inquired what were the obstacles making the Convention better known to the population of Vanuatu.

16. Mr. MAEL (Vanuatu), recalling that 80 per cent of the population lived in rural areas and on isolated islands, stressed that the dissemination of information was very difficult. In addition, there were problems of comprehension related to language (official documents were drafted in English and French whereas the population used a number of dialects) and communication aids. Posters or plays, for example, would be much more effective than written texts.

17. Mrs. EL GUINDI inquired about the role of the private sector, civil society and non-governmental organizations (NGOs). In view of the Government's written reply concerning corporal punishment, what measures were envisaged to end that practice, which was in conflict with the principles of the Convention?

18. Mr. MAEL (Vanuatu) said that in Vanuatu, corporal punishment was traditionally viewed as the best way of teaching loyalty and responsibility to children. He explained that the community-based society meant that all the members of the same family normally lived together. In that regard, children belonged to the family and it was the family's duty to educate them. Not only was it accepted that parents should correct their children but it was sometimes considered necessary.

19. As to NGOs and civil society, there were no organizations in Vanuatu devoted exclusively to children's issues. However, some of them, such as the women's organizations, incorporated children's issues in their activities even if those activities were not child-specific. The Ministry of Health placed emphasis on vaccinations and access to health care. Beyond that, no measure had yet been taken to guarantee the access of children to services as laid down in the Convention. However, the setting up of an office for the Convention on the Rights of the Child should change the situation.

20. Mrs. KARP wondered exactly which parts of the Convention were incompatible with Vanuatu's customary laws. She also asked whether there was any intention to create a think-tank which would call on traditional chiefs to study ways of disseminating the Convention and seeing to its implementation in the light of existing customs.

21. Mr. MAEL (Vanuatu) said that certain aspects of the Convention were difficult for the population to accept, such as article 17, which ran counter to the traditional way of raising children. It was generally the parents who transmitted their values to their children, notably through storytelling. Although access to libraries and books was acceptable, children could also thus obtain information which parents might consider harmful and over which the parents would like to be able to exercise some control. Customs were also incompatible with the idea of a minimum age of marriage. Marriages were often arranged very early by families on the basis of mutual interest. That practice was still commonly accepted albeit less and less widespread.

22. Mrs. KARP asked what was the reason for certain traditions dying out.

23. Mr. MAEL (Vanuatu) said that it was due to education. School-going children soon realized that their lives could be different and started to want to make the choices which they thought were best for them.

24. Mrs. OUEDRAOGO wondered what impact upward social mobility and the customs mentioned in paragraph 10 of the core document (HRI/CORE/1/Add.86) had on children. Concerning the custom of marrying off a child from birth, was the child was raised by his own family or by the in-laws?

25. Mr. MAEL (Vanuatu) said that according to the custom, arrangements were made whereby a child was given in marriage to a landed family or as a way of peacefully settling disputes between families. In principle, the child remained with his own family until he was married. The survival of the family and the interests of the community were placed above the individual desires of the child, although customs were slowly changing as young people moved to cities.

26. Upward social mobility only existed in the countryside, characterized by accession to the dignified position of chief or the acquisition of additional land.

27. Mrs. SARDENBERG, noting that report mentioned a series of NGOs working in specific fields, asked whether they worked in collaboration with the Government. She was pleased that Vanuatu had participated in the World Summit for Children and the annual meetings of the South Pacific Forum. In addition, the report showed that Vanuatu had received considerable development assistance from developed countries. Had those funds been used to implement the Convention or to finance activities related to the protection of children?

28. Mr. MAEL (Vanuatu) said that NGOs were not financed by the Government but that they collaborated with each other in setting up programmes. He admitted that the Government was not very dynamic and left it up to NGOs to take action to implement the rights of the child. He was, therefore, looking forward to a children's bureau being set up to coordinate activities in favour of children throughout the country.

29. Mrs. SARDENBERG asked whether the local chiefs could not be called upon to disseminate knowledge about the Convention. Although there were some incompatibilities, for cultural reasons, a reading of the introduction to the report would show that the ideals laid down in the Convention were identical to those of Vanuatu society.

30. Mr. MAEL (Vanuatu) said that chiefs might misinterpret the Convention by making a cause-and-effect link between the rights it promoted (including the right to freedom of opinion and to self-determination) and the disobedience of young people who, for example, were expelled from schools or committed petty theft.

31. The CHAIRPERSON said that that was why the Government should hasten to present the rights of the child in a positive light so as to stem the spread of prejudices, and that it was up to the Government to take measures to publicize the Convention in a manner which was appropriate to Vanuatu society.

32. Mrs. SARDENBERG said that the Convention should not be imposed artificially but should be introduced progressively so that it could be understood and accepted, hence the need for the traditional chiefs and the Government to be involved in the process.

33. Mr. RABAH asked whether the Church could be involved in disseminating the Convention, as it seemed to have an enormous influence on the society. What was the status of the Church in Vanuatu? Did it replace the State or was it an institution of the State? Furthermore, why was there no effective system for registering births in the country?

34. The CHAIRPERSON said she supposed that the geographical make-up of Vanuatu, where islands were very far apart from each other, made registration difficult.

35. Mr. MAEL (Vanuatu) said that in Vanuatu, when a child committed an offence, he was not placed in a correctional institution as happened in the West, but was spoken to by the elders, who explained to him how he should behave. It was, therefore, the spiritual aspect which was given greater emphasis. As to the participation of the Church in the dissemination of the Convention, he was not convinced that that would be possible.

36. In response to a suggestion that had been made by Mrs. Tigerstedt-Tähtelä, he said that it would be extremely useful if the Committee were to recommend that the Government should set up a children's rights office and invited the Committee to address a recommendation directly to the Prime Minister.

37. The CHAIRPERSON noted that such an office could not be effective without resources, authority and an extremely conscientious and competent staff.

38. Mrs. OUEDRAOGO said that it was important to rally the local and religious chiefs to the cause of the Convention because they could exert a considerable influence on the population and bring about a change in attitude with regard to the rights of the child.

39. The CHAIRPERSON said that, if she had understood Mr. Mael correctly, the Government did not seem to have the political will to publicize the Convention but that local chiefs themselves would not be opposed to it. The Government needed to have a proper dissemination programme. She suggested that the Committee should move on to the questions on health and education, which were priority issues.

40. Mr. DOEK noted with satisfaction that the Vanuatu Society for Disabled People carried out a large number of activities which, according to the written replies, had been significantly developed. He asked about the nature of the disabilities of children living in remote islands as it was said that they were unable to benefit from normal schooling. It was also indicated that the Society's collaborators went to children's homes to teach them how to improve their capabilities. Was there a specific re-education programme for the mentally handicapped and did social workers only teach physical re-education in the remote islands or did they also give academic instruction?

41. Mr. MAEL (Vanuatu) said that it was essentially a question of physical re-education and that persons qualified to administer specific therapy for the mentally handicapped were lacking.

42. Mrs. OUEDRAOGO, referring to the table included in the written reply to question 19, noted that albinos seemed to be counted among disabled children and that there was a very high number of them. She would like to know whether albino children were really considered as disabled and if they were subject to discrimination and repression. While applauding the absence of AIDS in Vanuatu, she noted that the number of persons with sexually transmitted diseases was relatively high. Did reproductive health or sex education programmes exist in schools and social institutions? Were there centres where people could obtain information and receive counselling? Highlighting the fairly high number of early pregnancies, she wondered whether abortion was widespread and if there were family planning programmes.

43. Mr. MAEL (Vanuatu) said that albinos were completely integrated into the community at present. The albinos indicated in the table mentioned were disabled persons. Most albino children had no problems and led a completely normal life. Neither they, nor indeed any other group, were subject to discrimination; generally speaking, differences had always been readily accepted in Vanuatu. Reproductive health education was a part of the World Health Organization (WHO) primary health care programme. Sex education classes were given in secondary schools and women could obtain advice from family planning centres. Detailed information on abortion was not available. In any case, when an unmarried girl became pregnant she was not looked upon badly. On the contrary, on many islands it was treated as a festive occasion. Neither was it problematic if the young man who was the father of the child did not marry the girl. The girl and her child were taken care of by the community.

44. Mrs. OUEDRAOGO asked whether a girl who became pregnant could continue attending school.

45. Mr. MAEL (Vanuatu) said that secondary schools did not usually allow it but that it was possible in institutions of higher learning.

46. The CHAIRPERSON asked about the attitude to incest.

47. Mr. MAEL (Vanuatu) said that incest, rape or any other type of sexual abuse was punishable under the Penal Code.

48. Mrs. KARP inquired about what was done, in practice, to deal with sexual violence. Was it kept within the family or were such acts reported to the police? Did the victims and their families have the possibility of bringing the matter before the courts? Were there courts on every island and what bodies were in charge of conducting investigations? She wondered what follow-up was given to cases of sexual abuse, bearing in mind the isolation of many islands and the country's limited financial resources.

49. Mr. MAEL (Vanuatu) stressed that the perpetrators of illegal acts, such as incest and rape, were liable to criminal prosecution, even on the most remote islands. Victims and their families could keep the incident a secret

within the family circle or they could refer the matter to the traditional chiefs, or lodge a complaint with the courts. Acts of sexual violence could be dealt with under customary law. If the matter was brought before the traditional chief, then the latter would call the victim and the perpetrator together and examine the case with them. But there was a court in each of the six provinces.

50. Mrs. SARDENBERG requested additional information on health services and their distribution throughout the country. It seemed that, whereas 80 per cent of the population lived in rural areas, some 75 per cent of total health resources were allocated to urban areas. Considering how dispersed the islands of the archipelago were, it would seem that the only medical service some islands had was a single dispensary. Also, what role did traditional medicine play? Generally speaking, did sick people first go to see a healer and then, if that did not yield results, go to consult a doctor? Lastly, she would appreciate more information on the consumption of alcohol and cigarettes as that seemed to be on the increase, especially among young people.

51. Mr. MAEL (Vanuatu) said that the health services structure was highly satisfactory and accessible to the population. Specialized doctors tended to work in hospitals whereas, in rural areas, nurses were often trained in general medicine. It was true that sick persons could choose between traditional medicine and Western-style medicine. Bearing in mind the customs and traditions, it was natural for people to turn to a healer. But they were also free to go to a hospital. The two types of medicine were not incompatible.

52. It was a fact that in spite of information campaigns and warnings, smoking was on the increase among young people. However, the Government could not take radical measures to reduce or ban the sale of cigarettes as that was a source of revenue for the Government through the taxes levied. As to alcohol consumption, that largely concerned kava, the national drink, which was drunk in a sort of ritual at sundown and which created a sense of tranquillity and then sleepiness. But generally speaking, there was no abuse or violence linked to the consumption of kava.

53. Mrs. KARP, returning to the question of the accessibility of health services, asked how a person living on a remote island who fell seriously ill was looked after.

54. Mr. MAEL (Vanuatu) said that the health centres were equipped with telephones, radios, cars and boats. In the case of an emergency, a sick person could be taken to hospital by boat or by plane, at the expense of the State because it was a recognized fact that transport costs in Vanuatu were extremely high.

The meeting rose at 1 p.m.

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.567
1 October 1999

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

SUMMARY RECORD OF THE 567th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 24 September 1999, at 3 p.m.

Chairperson: Mrs. MBOI

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Vanuatu (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.99-44405 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Vanuatu (continued) (CRC/C/28/Add.8; HRI/CORE/1/Add.86; CRC/C/Q/VAN/1; written replies of the Government of Vanuatu to questions raised in the list of issues (document with no symbol distributed in the meeting))

1. At the invitation of the Chairperson, Mr. Mael (Vanuatu) resumed his place at the Committee table.

2. The CHAIRPERSON invited Committee members to ask brief questions concerning the definition of the child, basic principles and civil rights and freedoms.

3. Mrs. KARP, pointing out that the written replies acknowledged the existence of police brutality towards children and hence a violation of the right of the child to personal integrity and dignity, asked whether complaints to the Ombudsman had led to a reduction of such practices and whether any procedure existed to investigate complaints of maltreatment. Was corporal punishment generally accepted by the community in Vanuatu?

4. Mr. DOEK wished to know how the ban on corporal punishment in schools was enforced. Was compliance monitored in any way? Had teachers received training on the subject? If corporal punishment was inflicted, were the children or their parents entitled to complain? With whom could they lodge their complaints?

5. Mrs. KARP asked whether the Government intended to take steps to eradicate some customs in certain islands, such as the beating of girls when they reached puberty, which likewise violated the personal integrity of the child.

6. Mrs. OUEDRAOGO said that action was needed to prohibit corporal punishment not only in schools but also in the home, since she believed that aggressive behaviour among children might well be the product of the beatings they had received from adults.

7. Mrs. SARDENBERG stated that since the contents of the letter quoted in paragraph 49 of the report revealed that children were still frequently subjected to physical punishment, the Government and society should address that problem as a matter of urgency.

8. The CHAIRPERSON stressed that it was important to employ alternative methods of discipline which would be effective.

9. Mr. MAEL (Vanuatu) admitted that mild forms of corporal punishment were still sometimes meted out in schools, but explained that such punishment was considered by the community as a whole to be an acceptable method of teaching children to be responsible citizens. If children were unruly in the classroom, parents were blamed for not being strict enough with their offspring. Before a child was flogged at school, the teachers would have

conferred with the parents. Nevertheless, many schools were starting to perceive the need to resort to alternative methods of maintaining order among pupils.

10. Police brutality towards children did occur, but the children in question had all been attending school and should therefore have known the difference between right and wrong. He therefore took issue with the Committee's view that children should never be beaten under any circumstances, since, in his opinion, a lack of discipline in the classroom was a factor making for criminal behaviour in later years.

11. The CHAIRPERSON said that, on the contrary, research had shown that children who were beaten at home resorted to violence in adulthood. Was there much violence and fighting among children in Vanuatu?

12. Mr. MAEL (Vanuatu) said that since most juvenile delinquents came from urban areas, they had been to school. He therefore queried the wisdom of allowing children complete freedom to join associations and voice their opinions. The formal educational system might be responsible for some undesirable behavioural patterns, since in rural areas, where the chiefs favoured traditional forms of punishment, children were well behaved.

13. Mrs. SARDENBERG suggested that the urban environment, which exposed young people to harmful influences, was probably more to blame for crime among children living in cities than the educational system itself. It was necessary in any case to find alternatives to corporal punishment, because it seemed that both urban and rural children were beaten either by their parents or by the police.

14. Mr. MAEL (Vanuatu) said that schoolteachers were themselves part of the community and they knew that some forms of punishment really worked. The educational system had tried to introduce new ideas and methods of training responsible members of society, but they appeared to be ineffective. The police authorities therefore felt that if schoolchildren committed crimes, punishment was the only suitable response. To date there was no machinery for monitoring the ban on corporal punishment in schools or investigating complaints of police brutality, although some head teachers had looked into allegations of victimization. Teachers did not receive specific training about the Convention on the Rights of the Child, but they had all been made aware of the Government's policy on corporal punishment.

15. He denied that girls were beaten when they attained puberty, nor was there any violence among children in Vanuatu, who lived in a quite different environment to that of western youngsters. The latter received assistance from special counsellors or lawyers. Vanuatu did not have the resources to provide a support network of that kind, but children were members of a community, whose leaders and chiefs knew the value and advantages of a traditional upbringing since they had received one themselves. Traditional educational methods were in the interests of the community.

16. The CHAIRPERSON pointed out that the point at issue was not the interests of the community, but the country's compliance with its obligations under the Convention. Those obligations included a commitment to promote and enhance the rights of the child, including the right to dignity; corporal punishment was not consonant with the dignity of the child.

17. Mrs. KARP said that the Convention explicitly protected children from violence in the family and that she was in possession of information that on the island of Tanna girls were indeed beaten when they reached puberty.

18. Mr. MAEL (Vanuatu) replied that customs varied greatly from one island to another and that he knew nothing about any such custom on Tanna, but on another island, if a girl became pregnant, everyone celebrated.

19. Mrs. TIGERSTEDT-TAHTELA, in response to an earlier comment by Mr. Mael that in the western world children who had done wrong were locked up in institutions, said that such measures were taken only if the youngsters had committed serious offences, whereas in Vanuatu beating children was common. How often and how badly were they beaten and for what reasons?

20. Mr. MAEL said that children were not badly beaten and that punishment could also take the form of a reprimand or making the child go without a meal.

21. Mrs. OUEDRAOGO asked whether there had been any general discussion of alternative methods to corporal punishment. Had parents and the general public been told why it was inadvisable to hit children?

22. Mr. MAEL (Vanuatu) replied in the negative to both questions.

23. Mrs. OUEDRAOGO urged the holding of a wide debate and the mounting of public awareness campaigns to explain why the practice of corporal punishment, which was obviously deeply rooted in society, should be abandoned not only in schools, but in families as well.

24. Turning to the subject of education, how was the language of instruction chosen? Did the Government have a policy to encourage parents to enrol more girls at school? Since parents had to bear most of the cost of schooling and educational materials, what steps was the Government contemplating to make it easier for poor parents to give their children a formal education? While she appreciated the difficulties facing a developing country, she thought that an effort should be made to offer scholarships or child allowances to assist less well-off families. Were children from remote areas who had to go to school on another island sent to boarding schools or were they placed in families? Why did pupils' associations exist in some schools and not in others? Why did some schools not set up such associations? Since it appeared that not all governmental decisions were applied in all schools, was that an obstacle to coordination? What was being done to standardize education in rural and urban areas?

25. Mr. MAEL (Vanuatu) said that the parents decided whether their children were to attend an English-speaking or a French-speaking school. Some schools were bilingual. Some parents still thought that giving a girl secondary education was a waste of money, since she would probably marry at a very early age. In secondary State or State-assisted schools parents were asked to make a contribution to running costs: private schools charged fees. If parents were unable to pay anything at all they were asked not to send their children to school. Boarding schools were available for children from remote areas, but unfortunately some were very dilapidated and had no proper catering facilities. Although the need to set up pupils' associations had been

recognized by the Ministry of Education, schoolchildren still tended to be represented by the school committee, which did not always voice the young people's concerns. Not all schools realized that pupils' associations ought to be established.

26. Mrs. EL GUINDI asked what steps were being taken by the Government to increase educational resources, especially for poorly equipped schools in remote areas. Did the private sector cooperate with the Government to promote education?

27. Mr. MAEL (Vanuatu) conceded that in some schools there was just one teacher and up to six pupils had to share the same book. Resources were available, but they were not being distributed equitably. The Ministry of Education was looking into the matter.

28. Mrs. KARP asked what efforts were being made to secure adequate educational provision, to work out budgetary requirements and to implement a proper educational policy. Was there a plan of action? Was any attempt being made to collect data on the least privileged islands? Was anything being done to introduce a budget that would ensure that all children could attend school? Referring to written answer No. 22, she asked whether a recommendation from the Committee regarding the participatory rights of children was required.

29. Mr. MAEL (Vanuatu) said that a master plan of education did exist and outlined its contents. There were enough facilities for all children to attend school, but the financial resources were lacking.

30. Mrs. SARDENBERG, referring to the core document, requested more information about the traditional education which existed in all communities. What measure had been introduced to expand pre-school education? What protection was offered to children in areas which had suffered from tidal waves or typhoons?

31. Mr. MAEL (Vanuatu) said that his country had introduced a master plan on pre-school education. The chiefs had raised the issue of children's rights to learn their traditional dances, customs and languages; extramural traditional education was an attempt to keep the culture of Vanuatu alive. In areas devastated by a cyclone, education was free for one crop cycle.

32. Mrs. TIGERSTEDT-TAHTELA commended the effort to impart the traditional culture of the islands. Were any of the 110 local languages or dialects taught? Were English and French new to the children when they went to school? Why had those two languages been chosen? What language was spoken in the civil service and Government?

33. Mr. MAEL (Vanuatu) said that government correspondence was in English or French, but that the spoken language normally used was Bislama. If, however, people from the same areas held a conversation, they spoke their own dialect. Bislama was also a written language common to all the islands.

34. Mrs. TIGERSTEDT-TAHTELA inquired whether Bislama might be included in the educational system one day.

35. Mr. MAEL (Vanuatu) replied that although Bislama was found everywhere - in newspapers and day-to-day communications - there were no plans to make it part of the educational syllabus.

36. Mrs. OUEDRAOGO inquired about the literacy rate in Bislama. Given that a large section of the population lived in rural areas, how many parents wrote Bislama? Did the Government intend to have the Convention on the Rights of the Child translated into Bislama so that more people could become familiar with its provisions? Why was education not compulsory? She deplored the attitude of parents who thought that there was nothing to be gained from educating a daughter who would marry and leave home, since the main purpose of education ought to be personal development and it should not be defined in narrow economic terms. The Government should therefore revise its educational goals in cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO).

37. Mr. MAEL (Vanuatu) stated that while everyone spoke Bislama, only about 60 per cent of the population could write the language. The literacy rate in English was also about 60 per cent compared with 40 to 45 per cent in French. Despite the fact that the Convention had been translated into Bislama, some people did not fully understand its contents. The Government did not have the resources to make education compulsory. Turning to the subject of girls' education, the aim of government policy was indeed to ensure that all girls attended school, but he surmised that if parents worked hard in order to send their children to school, they wanted to see some return on their investment.

38. Mrs. KARP inquired about the possibility of young people obtaining vocational training so that they could earn a living. Had such training been developed? What priority was given to it? Did the Government review and control the contents of the traditional educational programme or was it entirely in the hands of the chiefs? Were the lessons given by teachers or did the instructors come from the community? Was there any way of ensuring that education was consistent with the basic principles of the Convention? She was concerned that if tradition and culture were disseminated by chiefs without the supervision of the Ministry of Education, old-fashioned notions about the place of girls and women in society would be entrenched rather than evolving and coming more into line with the ideas of the Convention.

39. Mr. MAEL (Vanuatu) said that most vocational education was provided by non-governmental organizations, but that the number of places on courses of that kind was very limited. When young people left school, a large percentage of them joined the ranks of the jobless.

40. Mrs. KARP asked whether the Government did not consider that it had a responsibility to provide vocational training as a means of preventing young people from becoming unemployed and therefore being tempted by delinquency.

41. Mr. MAEL (Vanuatu) agreed that the Government did hold some responsibility in that respect, but pointed out that the under-15 age-group made up 44 per cent of the population. The master plan did cater for children when they left primary education, but the plan would not be implemented until the year 2000. The country was currently facing a huge problem of youth unemployment.

42. English and mathematics were the only subjects on the curriculum over which the Ministry of Education had any control. Nevertheless, instruction in customs and traditions would be coordinated with formal education when it was introduced the following year, so that it could be taught from the right perspective.

43. Mrs. SARDENBERG wished to know if there was much tourism in Vanuatu and whether it had any impact on children's lives.

44. Mr. MAEL (Vanuatu) replied that there was a constant stream of tourists visiting the islands, apart from those in the most remote areas, but he could not say if tourism had had any impact to date. In about five years' time, children might be able to say in what way it had affected their lives.

45. The CHAIRPERSON invited the Committee members to put any questions they might have on the family environment.

46. Mr. DOEK asked what happened to the children of divorced couples. He had the impression that the Government of Vanuatu did not actively attempt to recover maintenance from the fathers of children born out of wedlock. Was it left to the extended family to take care of single mothers? Was any effort made to persuade the father of the child to meet his responsibility of providing support for his offspring? In view of the information given in the written replies, he wished to know whether the police had any training in the interviewing of rape victims who were under 15. Was any treatment provided for rape victims? Was there any information about the incidence of rape or other forms of sexual abuse of children after 1994?

47. Mr. MAEL (Vanuatu) stated that if a couple divorced and both were working the court decided how much each should contribute to the children's upkeep. If one parent was working and the other was not, the parent with a job paid maintenance. If both were unemployed, the community took care of the children. There was no State welfare provision for children of divorcees.

48. He did not think that the police of Vanuatu received any training in the questioning of rape victims. When cases of sexual abuse occurred, special police units from Australia were called in to conduct detailed investigations. Up-to-date data was available and would be forwarded to the Committee.

49. Mrs. OUEDRAOGO wished to know whether sexual offenders were punished and if so, how. What measures were being taken to reduce sexual abuse in the family and to prevent recidivism? She also requested information about the sharing or division of parental responsibilities. Was the father regarded as the unconditional head of the family? What role did mothers play?

50. Mr. MAEL (Vanuatu) admitted that sexual abuse was frequent, not only in the family; members of the police force had been found guilty of improper conduct when rape victims had tried to report the crime. Cases of sexual abuse were brought before the court in urban areas, whereas in rural areas the chiefs were responsible for deciding what action should be taken. He was afraid that tourism would bring an increase in sexual offences and would be grateful if the Committee could offer advice about how to combat specific aspects of the problem. Parental responsibility was generally shared in Vanuatu.

51. Replying to Mrs. Ouedraogo's question, he said that the punishment of sexual offenders was regulated by article 27 of the Penal Code and that they would probably receive a prison sentence.

52. Mrs. EL GUINDI asked if it was possible for a child to participate in the traditional activities of cultivating the land, fishing and hunting, while attending school regularly.

53. Mrs. KARP referred to a case in which a rape victim had been forced by the chiefs to marry the offender and although the case had been brought before the court, pressure had been brought to bear on all concerned not to give evidence, so that the outcome was that the girl was still married to the rapist, who had never been tried. She therefore urged the Government to face up to its responsibility in such cases and not to allow society to victimize the girl twice over. As Vanuatu had no social workers or psychologists to assist victims of crime or counsel juvenile delinquents, she wished to know what measures were being adopted to rule out the possibility of arbitrary detention and punishment. Was there a criminal justice system? What framework existed to guarantee a child's basic right to a fair hearing? If a child had been subjected to police brutality and handed over to the community for punishment, what action (apart from corporal punishment) could the family or group dealing with the child take to prevent the latter from becoming a delinquent? How did the system work? What steps were taken to avert a rise in delinquency as a result of such harsh treatment? Had any consideration been given to establishing a group of professionals who could propose remedial measures?

54. Mr. RABAH asked whether any alternative existed to a juvenile justice system. Were there any special children's television programmes in Vanuatu? How were they monitored by the Government?

55. Mr. MAEL (Vanuatu) said that he knew nothing about the case of forced marriage referred to by Mrs. Karp. The judicial system was chaotic and was unable to provide children with support.

56. Mr. DOEK asked why the legal system was in such a sorry plight. Were there not enough trained judges?

57. Mr. MAEL (Vanuatu) replied that the State legal services did not have enough fully trained and experienced staff. Senior prosecutors had to be brought in from outside. The law school had been opened only two years previously and the course on juvenile justice consisted of four hours of instruction funded by the French Government. There were no children's television programmes owing to a lack of money.

58. Mrs. OUEDRAOGO submitted that the Government of Vanautu ought to raise the age of marriage for girls to make it the same as that of boys.

59. Mrs. TIGERSTEDT-TAHTELA wondered what priorities (other than health and education) had been set by the Government and whether they had any bearing on children's lives. What plans did the Government have for the future of the country?

60. Mr. MAEL (Vanuatu) said that as he was an expert in the health field, he was unable to give precise information about the Government's plans for other areas of concern.

61. The CHAIRPERSON invited the Committee members to present their preliminary observations.

62. Mr. RABAH recommended that the Government of Vanuatu do all it could to harmonize customary law with the articles of the Convention, as such action would greatly improve the situation of the country's children.

63. Mrs. EL GUINDI said that since custom and tradition, which obviously played an important part in the life of Vanuatu, could not be changed by law, it might be possible to cooperate with the church, NGOs and leaders of society to alter negative attitudes.

64. Mrs. KARP recommended that a special ministry or unit be established to enhance the protection of the rights of the child. Such a step might trigger a complete change in attitude to the implementation of the Convention. Unfortunately, the Government did not appear to understand the implications of the four basic principles underlying the Convention. Health and education services were inaccessible in remote areas and that was a form of discrimination. The budget did not reflect a concern for the best interests of the child, since it did not guarantee free compulsory education for all children. More emphasis should be given to vocational training in order to reflect the principle of the right to life, survival and development. The lack of social workers and psychologists who were able to attend to children's physical and mental needs also meant that the principle of giving precedence to the best interests of the child was not being implemented. She recommended that the principle of allowing the participation of children be embodied in governmental policies.

65. Mrs. SARDENBERG praised the work done by the Government of Vanuatu in the field of health and education and recommended that the Government together with NGOs, the international community and forces within the country try to ensure that the rights of the child figured more prominently in development plans.

66. Mrs. OUEDRAOGO stressed the need to increase awareness of the Convention within Vanuatu by providing a simplified version of the Convention in Bislama. The training of professionals who worked with and on behalf of children was also of crucial importance. Children's rights should be taught in schools. It was likewise crucial to involve chiefs and traditional authorities in the implementation of the Convention. Educational aims as set out in the report should be revised in cooperation with UNESCO. Corporal punishment should be banned completely and the general public ought to be told why physical punishment was wrong. Lastly, the age of marriage should be revised so as to secure equality between girls and boys.

67. Mr. MAEL (Vanuatu) said that he looked forward to receiving the Committee's formal recommendations and believed that a fact-finding visit by a member of the Committee to Vanuatu would help the Committee when it was preparing to consider his country's report.

68. The CHAIRPERSON assured Mr. Mael that his information had enabled the Committee to gain a deeper understanding of the life and situation of the people and children of Vanuatu and the culture of the country. The Committee realized that Vanuatu was trying hard to honour its obligations under the Convention. She recommended that more technical assistance be offered in all the fields outlined by her colleagues, but especially with regard to education. Mr. Mael might be able to obtain more support for his endeavours to promote the rights of the child if he organized a press conference on his return to his country or was able to stimulate parliamentary debate. She hoped that his country would enjoy political stability and economic progress in the best interests of the children of Vanuatu.

The meeting rose at 5.20 p.m.

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.568
25 October 1999

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

SUMMARY RECORD OF THE 568th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 27 September 1999, at 10 a.m.

Chairperson: Mr. DOEK

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Mexico

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.99-44397 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Mexico (CRC/C/65/Add.6 and addendum with no symbol; HRI/CRC/1/Add.12/Rev.1; CRC/C/Q/MEX/2; written replies to questions in the list of issues (document with no symbol, distributed in the meeting room))

1. At the invitation of the Chairperson, Mr. Ruiz y Ávila, Mrs. Pérez Duarte y Noroña, Mrs. Cardenas Miranda and Mrs. Sánchez Regalado (Mexico), took places at the Committee table.

2. Mr. RUIZ y ÁVILA (Mexico) said that the second periodic report of Mexico covered the period from January 1994 to January 1998. The Mexican State was party to 45 international human rights instruments and submitted periodic reports to the six committees created under international treaties. Mexico had recently ratified the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It had also accepted the contentious jurisdiction of the Inter-American Court of Human Rights. In October 1997 the President of the Republic had created an interdepartmental commission to monitor Mexico's international human rights commitments. The commission had helped prepare the addendum circulated to Committee members, and was the body that would study whatever recommendations the Committee might wish to formulate. Mexico was more than willing to cooperate with the various United Nations human rights organs and mechanisms, and would be receiving a visit from Mrs. Robinson, High Commissioner for Human Rights, in November.

3. Since the submission of Mexico's initial report in January 1994, the Government had made strenuous efforts to ensure that children effectively exercised their rights, especially through the National Programme of Action for Children 1995-2000. All the programmes and measures implemented upheld the principle of sexual equality. Child support, particularly for the most vulnerable children, had benefited from increased resources and activities in the various fields of social development. Currently, 60 per cent of the country's budget was devoted to social spending, the highest proportion in the country's history.

4. Enormous strides had been made in education. Over 90 per cent of children aged 15 currently completed primary school, as opposed to 84 per cent in 1995. The Government was currently focusing on secondary school attendance. More and more books were distributed free of charge to schoolchildren. Human rights were taught in primary schools in the context of civic education, which comprised lessons on democracy, equality between men and women, environmental protection, and the benefits of peace. There were special programmes for minors living in situations of poverty and marginality. An increasing number of pupils were given breakfast, school materials and grants.

5. On the subject of health, it was worth mentioning that 98 per cent of children in the under-5 age group were currently inoculated against 12 diseases, while not so long before the vaccines had protected them from only 6 diseases. The mortality rate among children under 5 years of age and the frequency of moderate or serious forms of malnutrition were on the wane. In August 1997 the Programme for Education, Health and Nutrition (PROGRESA) had been introduced with a view to remedying - with a gender-specific approach - problems relating to poverty in all regions.

6. Children comprised the largest section of the population living in poverty. Some 28 per cent of Mexicans were poor, and 40 per cent of children under 10 lived in poverty. The purpose of the PROGRESA programme was to provide substantial assistance to the poorest families, in the form of both food supplements and school grants. In that connection, women were the primary recipients of financial assistance to families, since they were more likely to spend the money on their children, especially their daughters. Moreover, also in the fight against poverty, in March the Federal Executive had submitted the 1999 Programme for Social Development and Fighting Poverty, which established 13 major strategy lines for social equity. They comprised, inter alia, measures on behalf of children, such as, in the field of health, milk available at 40 per cent less than the market price.

7. The Mexican Government was also proceeding with the legal reforms required for integrating the provisions of the Convention into domestic legislation, strengthening inter-agency coordination at the federal and state level, and setting up mechanisms for improved monitoring of the implementation of the Convention. In June 1998 the President of Mexico had approved the creation of a national system for following up and monitoring implementation of the Convention on the Rights of the Child; that mechanism operated in parallel with the National Commission, which supervised implementation of the National Programme of Action for Children. The national follow-up and monitoring system comprised a central federal commission, thematic committees and state-based committees. The National System for the Integral Development of the Family (DIF) was the coordinating agency. Only some states currently had a follow-up committee.

8. The Mexican Government was concerned at the sexual exploitation of minors for commercial purposes, a phenomenon unfortunately on the rise in the country. In order to combat it and to give effect to article 34 of the Convention, the Mexican Government had submitted on 12 June 1998 the Inter-institutional Action Plan for the Prevention, Attention, and Elimination of the Commercial Sexual Exploitation of Children. Under that plan, it had set up an Inter-institutional Commission composed of various Government bodies, deputies, and non-governmental organizations (NGOs). In its fight against ill-treatment of children within the family, the Government had submitted on 4 March 1999 the National Programme against Intra-family Violence (PRONAVI).

9. In addition, Parliament was reviewing the draft amendment to article 4 of the Constitution and the preliminary draft law on the statutory provisions concerning article 4, with a view to fully incorporating the principle of best interests of the child into federal legislation. Legislative reforms were

also under way on issues such as family violence, pornography, child prostitution and adoption. All the legislative amendments introduced at both the federal and state levels were set out in the addendum submitted to Committee members. The Government considered one of its priority tasks to be dissemination of the Convention, which was addressed through primary and secondary education, and through radio and television information campaigns, or seminars and meetings. The National Human Rights Commission and the state commissions were particularly active in that regard. Where implementation of article 12 of the Convention was concerned, civic days were organized under the aegis of the Federal Election Institute, and the first children's elections had been held in 1997, organized by the Federal Election Institute in collaboration with UNICEF. Mexico had also opened La Casa del Arbol (The Treehouse), a centre where children learned about their rights. A number of programmes and studies were being conducted on children living in particularly vulnerable situations. The Mexican Government had aligned itself with the ILO initiatives to combat the exploitation of working children. It was planned to set up an Office of the Procurator for the Defence of the Rights of the Child. Police officers and civil servants enrolled in training courses so as better to respond to child victims or offenders. Measures were also being taken to address the problem of street children and disabled children. The National Programme for the Promotion and Strengthening of Human Rights had been adopted on 21 December 1998 and comprised measures designed to develop a culture of human rights from infancy.

10. The Mexican Government was well aware that, despite its political will and the many measures already taken, a great deal remained to be done before all boys and girls fully enjoyed their rights. Particularly concerned with children living in marginality and poverty, it was determined to pursue its action for full implementation of the Convention. It hoped that the tenth anniversary of the Convention would be celebrated at a plenary meeting of the forthcoming General Assembly. It was also in favour of increasing the number of experts on the Committee and boosting its resources.

11. Mrs. SARDENBERG thanked the Mexican delegation for all the information supplied to the Committee in the oral statements as well as the written report, the addendum to that report, and the written replies to the questions in the list of issues. She was, however, surprised that the Mexican Government had not followed the Committee's guidelines in preparing its second periodic report and, in particular, that it had made no reference to the concluding observations formulated by the Committee following consideration of the initial report. With regard to Mexico's commitment to human rights at the international level, she welcomed the fact that it had ratified the Inter-American Convention on the Prevention, Punishment and Elimination of Violence against Women and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

12. Turning to general measures of implementation, she asked what action the Government had in mind for coordinating and monitoring the process of harmonizing domestic legislation with the Convention, given that certain laws were adopted at the federal level but not yet at the state level. In view of the fact that certain laws had only been adopted in five or six states, she would like to know why the process was so slow.

13. On the subject of the amendment to article 4 of the Convention and the draft regulatory act law on the protection of children and young people, which were shortly to be examined by Congress, she asked the Mexican delegation to indicate the possible obstacles to their adoption. She would also like to know whether the supervision mechanisms adopted in July 1998 were already operational and whether there were plans to continue to establish them at the state level, where they were still extremely rare.

14. Lastly, she asked how the complex set of new structures that had been created were coordinated at the federal and state levels.

15. Mrs. EL GUINDI inquired how the work of the government ministries and organs concerned with child protection was coordinated, particularly between the 31 states and the federal authorities. By the same token, what was the situation regarding coordination of activities in favour of children with civil society, the NGOs and the private sector? Could the Mexican delegation provide examples of cooperation among those actors?

16. She would also like to know whether there were any measures and programmes in favour of children particularly vulnerable to abuse and exploitation, such as the children of migrants, refugee children and indigenous children.

17. Mr. RABAH asked whether Mexican legislation was currently aligned with the provisions of the Convention with regard to the best interests of the child in the fields of health, education and the juvenile justice system. He would also like to know the practical effect of the numerous programmes listed in the report, and whether the budget policies were elaborated with an eye to serving the interests of children. He would like further information on the decentralization of child-protection services, especially in rural areas, and on the extent to which civil servants, lawmakers, NGOs and children themselves were acquainted with the rights conferred by the Convention.

18. Mrs. OUEDRAOGO said she regretted that the activities conducted to publicize the Convention had been mentioned in the report without reference to the Committee's recommendations. What had been the general scope of those actions, especially among the indigenous population? To what extent was the Convention known in the country? And how frequently were information campaigns held, including those intended for child-care professionals? She would also like information on the dissemination in Mexico of the initial report and the Committee's conclusions and recommendations. How had the population been informed and what had its reaction been?

19. Like Mrs. El Guindi, she asked whether there was any structure responsible for coordinating the activities of the Government and NGOs to make them more effective. Had the NGOs participated in the drafting of the report?

20. Mrs. TIGERSTEDT-TÄHTELÄ asked whether the prospective Office of the Procurator for the Defence of the Rights of the Child would be independent of the government administration, and wished to know what its mission would be. She was happy that the Government had decided to allocate 60 per cent of its budget to social spending, which was a very high figure. She asked how those

funds would be distributed and in what sectors; whether a systematic study of public spending on children had been conducted; and, if so, whether the results were published and accessible.

21. Mrs. KARP pointed out that under article 44 of the Convention, States parties were required to make their reports widely available in their own countries. She therefore wished to know why none of Mexico's reports had been disseminated. The aim of that provision of the Convention was, in fact, to sensitize the population (from the man in the street to NGOs), keep it abreast of what the Government was doing, and involve it in strengthening human rights.

22. She asked whether the increase in the social spending budget was effectively translated into increased services, since factors such as inflation and rising costs could have an adverse effect.

23. She was deeply concerned at the substantial differences described in the report between the legislation of the states and the federal legislation with regard to various areas that directly affected children, and asked whether there were any mechanisms for standardizing legislation relating to children. While, as a State party, Mexico had undertaken to ensure that the rights of all children without exception were respected, those differences in the various legislations created discrimination.

24. She asked whether the visit by a group of children to the Chamber of Deputies in 1997 had given rise to follow-up activities and whether the conclusions drawn as a result had been incorporated into provisions and programmes. Was there already a system whereby children and youth could learn about and understand the Convention to prepare them for the second experiment of that nature to be organized in 2000?

25. Mr. RUIZ y ÁVILA (Mexico) referred to the organizational chart contained in a document that he would be distributing to members, the National Programme of Action for Children 1995-2000, to explain how coordination functioned. The Ministry of Health was the institution appointed by the President to liaise among four sectors: health, education, the National Water Board and the DIF, each of which headed several major national institutions active in the pertinent field. At the next level, the 32 state commissions were coordinated by the Secretariat General for Health. The document also contained a great deal of information on migrant and refugee children, child exploitation, street children and HIV-infected children, providing Committee members with answers to their questions.

26. Mrs. SÁNCHEZ REGALADO (Mexico), noting that she had been involved in the preparation of the document, said that once the Federal Executive had designated the liaison institution, a technical follow-up committee had been established. The intersectoral work of the 31 federal bodies was instrumental in disseminating the Convention and the objectives to be attained by the year 2000. The 31 bodies and four sectors mentioned by Mr. Ruiz y Ávila collaborated on specific programmes designed to achieve the established objectives. Regional follow-up meetings had been held and were the subject of annual reports to the Executive.

27. Mr. RUIZ y ÁVILA (Mexico) said that the National Programme of Action had established 33 objectives, mainly concerning health, but also education, sewerage and children living in exceptionally difficult conditions. The health measures taken had halved the infant mortality rate.

28. Mrs. SARDENBERG suggested that the delegation should focus its replies more on implementation and monitoring of the Convention. She asked whether a Government mechanism had been set up since 1998 to deal with coordination.

29. Mr. RUIZ y ÁVILA (Mexico) stressed the fundamental nature of the bill aimed at amending article 4 of the Constitution. That bill, prepared on the initiative of Mexican NGOs and of experts on children's issues and violence against women, was intended to regulate protection of children's rights by collating the norms and objectives of the Convention with the Constitution. Although some amendments had been proposed, the bill already commanded a broad consensus and was likely to be adopted. The first section of the bill reviewed the fundamental principles, such as the best interests of the child, non-discrimination, family environment as an essential aspect of child development, family responsibility, recognition of the differences in the stages of infancy and adolescence, the right to a life without violence, the lack of criminal liability of children under 12 years of age, and respect for cultural diversity. The second section dealt with the fundamental rights of the child, including the right to an identity. The bill also focused on cooperation between the states and the federal Government. It was founded on a comparative analysis of the laws in force in each state, in the light of international legislation on women and children, the results of which had been published in the form of reports.

30. Mrs. PÉREZ DUARTE y NOROÑA (Mexico), highlighting the complexity of the process of harmonizing national legislation and the laws in force in each state, explained that 33 reports (one for each of the 32 states and one for the central Government) had been published. Federal jurisdiction and local jurisdiction were established by the Constitution. Anything to do with children from the civil and criminal viewpoint fell exclusively within the competence of each state, hence the rather considerable disparities. Health and education, on the other hand, were areas covered at the federal level, although it was for the states to coordinate their activities and implement their own programmes. Comparisons in those areas were therefore easier. The reports had been drafted with the help of the National Human Rights Commission and UNICEF. The federal Government, which had received those 33 studies, was currently examining their legal implications. Since it affected the Civil and Penal Codes, a major task of awareness-raising was called for if the reforms were to be made. Although it was fairly easy to reach consensus on child-related issues, the states were not all at the same stage and did not follow the same method. The reports contained a series of proposals for harmonizing the legislation, a process that was particularly delicate in a federal republic such as Mexico, inasmuch as the sovereignty of the states, their characteristics and their particular problems needed to be respected. However, certain aspects, such as adoption or criminal responsibility, concerned the entire population and it was in those areas that laws should be standardized as a matter of priority.

31. Near consensus had been achieved for the bill aimed at amending article 4, but there had been disagreement on certain standardization proposals, particularly those concerning the age of criminal liability. Certain lawmakers, especially in the states most affected by drug trafficking, wished to lower the age of criminal liability to 16 in order to fight traffickers more effectively, while others preferred to keep the minimum age at 18 years.

32. Activities had been implemented to sensitize lawmakers as well as the magistrates themselves, so as to make them understand that the principles of the Convention had overriding force. The result had already been apparent in the rulings pronounced.

33. The CHAIRPERSON invited the members of the delegation to answer the questions concerning dissemination of periodic reports and awareness-raising activities. He also called for more information on the allocation of budgetary resources and the 60 per cent increase mentioned earlier. He further invited the delegation to explain the measures for monitoring implementation of the Convention.

34. Mr. RUIZ y ÁVILA (Mexico) explained that the Ministry of Foreign Affairs had taken steps to encourage the various government departments to transmit the information, but that there had been relatively few requests for consultation of the report. Pointing out that the United Nations Website address was already given out to interested persons or organizations with access to the Internet, he also envisaged the possibility of disseminating the report by incorporating it into the Mexican Government's human rights Web page.

35. Strenuous efforts had been deployed to publicize the Convention. The DIF had, for example, published a compendium of child laws, and the National Human Rights Commission a compendium of international instruments (including the Convention). Both had been distributed to legislators, magistrates, NGOs and civil society. In addition, a large number of brochures had been published by the DIF, the National Commission and even the commissions of the various states. The Ministry of Public Education had, in turn, distributed to 63 million Mexican children a free book on the Constitution, which included a chapter on human rights. It had also published free textbooks containing a page on the duties of local authorities, and information on the rights of the child, sometimes including the Convention.

36. Regarding the budget, an attempt to assess the share of the resources allocated to child-related activities had not yielded great results. In recent years the emphasis had been placed on combating extreme poverty, and budgetary resources had been allocated to the pertinent institutions for that purpose. However, it was not possible to break down the allocation of those resources including those devoted to children.

37. Mrs. CARDENAS MIRANDA (Mexico), returning to the follow-up mechanisms, explained that each state had a DIF, a decentralized structure that served to coordinate implementation of the National Programme of Action and follow-up to

the Convention at the national level, as well as between the DIF and the other institutions in each state, including the commissions (which had so far been set up in seven states).

38. The CHAIRPERSON asked what would be the status and role of the Office of the Procurator, establishment of which was currently under study.

39. Mrs. CARDENAS MIRANDA (Mexico) explained that there were 32 procurators responsible for the defence of the rights of children and the family. They existed in each state and were administrative rather than judicial. Only four of them had jurisdictional powers. A bill aimed at creating a decentralized public body with its own legal personality and capital (which would become the Office of the Procurator) had been submitted two years previously. The bill had not yet been examined, but should be adopted in the near future.

40. Mrs. PÉREZ DUARTE y NOROÑA (Mexico) pointed out that in the meantime minors were unprotected. The Procurators General of each state had a department that dealt with minors - the Department of Children and the Family - whose task was to honour the obligation of the Ministry of the Interior to pay priority attention to children and their defence.

41. The CHAIRPERSON invited Committee members to ask questions on the definition of the child, general principles, and civil rights and freedoms.

42. Mrs. SARDENBERG, while acknowledging the essential nature of the legal harmonization process, also stressed the importance of dissemination of the Committee's reports, which could have an impact on the measures adopted by each state. Where the guidelines were concerned, she pointed out that it was not merely a question of method; the fact that children's rights fell under several categories stressed their interdependence and the holistic nature of the Convention. Referring to the 1997 children's elections, she welcomed the measures taken by the Government to disseminate the Convention and the innovative methods used. However, she asked why that event had involved only children aged 6-12 and whether there were plans to set up a similar project with the participation of children aged 12-18. She also regretted that the emphasis had been placed on offenders in those awareness-raising activities. It would have been preferable to underscore the global nature of the Convention by exploring all its aspects.

43. With regard to general principles, she requested further information on the situation of indigenous children. Why was language, generally speaking, the only criterion used in identifying indigenous groups? And why were the indicators much more negative for them than for the rest of the population? Were measures being taken to change that situation? Concerning the situation in Chiapas, she mentioned the numerous allegations of violation of children's rights, linked in particular to armed confrontations. She asked what measures were being taken to protect children in that region.

44. Mrs. OUEDRAOGO said she would like to know, first of all, whether steps had been taken to raise the ages of marriage and criminal responsibility. On that subject, it would be interesting to learn the position adopted by the Mexican Government following the incidents in the State of Chiapas. She regretted that the report had not made any direct reference to the Committee's

recommendations concerning children of disadvantaged families, and asked whether the programmes set up had yielded the expected results, despite the country's economic difficulties and the current structural adjustment programme. On the question of family violence, she would like to know whether programmes aimed at combating that phenomenon took due account of the need to instil confidence in the population, the forces of law and order, and the social services involved with women and children who were victims of such violence. It would also be useful to have more details on cases of forced sterilization among certain indigenous women, as mentioned in the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and to know what measures the Mexican Government had taken on that question. She would like to know whether any progress had been noted in the wake of the measures taken to reduce regional disparities. It would also be interesting to know whether the civic days organized with the participation of children had culminated in follow-up recommendations, and whether children's views were taken into account within the family, given the traditional attitude of families towards girls and boys. Lastly, she would like to know the results obtained from the awareness-raising campaign on registration of children, especially those from refugee families.

45. Mrs. KARP asked whether indicators had been prepared in connection with the National Programme of Action for Children (PNA) 1995-2000 on innovative aspects of children's rights. She would like to have detailed information on the links between the powers of the new Procurator for the Defence of Rights of the Child and the National Human Rights Commission. It would also be useful to have further information on police brutality, of which children in detention or in institutions were victims, and specific examples of the punishment meted out to the perpetrators. Lastly, she would like to know more about the measures taken to respect children's privacy in schools (for instance, the searching of satchels) and on the prohibition of corporal punishment within the family, in schools and in other institutions.

46. Mrs. TIGERSTEDT-TÄHTELÄ asked what share of the national budget was allocated to the defence and security forces. She would also like to know whether abortion was still penalized in Mexico and called for the relevant statistics. Lastly, she asked whether Mexico still regarded children as citizens rather than subjects of rights.

47. Mr. RABAH asked whether Mexican child labour legislation complied with the ILO instruments, especially Convention No. 138 concerning Minimum Age for Admission to Employment, which prohibited work by children under 14 years of age, and which Mexico had not ratified. According to the ILO Regional Office in Mexico, over 1 million children aged 10-14 worked in Mexico without any legal protection. It would be useful to have more information on that subject, which had not been dealt with in the report.

48. The meeting was suspended at 12.35 p.m. and resumed at 12.45 p.m.

49. Mrs. PÉREZ DUARTE y NOROÑA (Mexico) said that in Mexico a minor under 18 years of age was considered to be a child, and confirmed that a debate had taken place in the country on the concept of citizen, which involved the right to vote. In any event, Mexican children enjoyed all the rights guaranteed by the Constitution and the rights enshrined in

international law, with the exception of the right to vote. There were plans to raise the age of marriage which was currently 14 years for girls and 15 for boys, for obvious health reasons and to guarantee the maturity of prospective parents. Discussion of harmonization of the age of criminal responsibility at 18 years continued. It should be mentioned, however, that review of the age of criminal responsibility in no way resolved the problems of substance. She recognized that the phenomenon of family violence was a reality in Mexico and partly accounted for the high number of street children. The PRONAVI programme was designed to combine the efforts of civil society and the Government in the struggle against that phenomenon. The activities of the National Human Rights Commission and those of the Office of the Procurator for the Defence of the Rights of the Child did not overlap; on the contrary, they complemented one another. She confirmed that complaints of forced sterilization had been lodged by working women. It was a matter examined in depth by the Committee on the Elimination of All Forms of Discrimination against Women, which was in possession of all the pertinent information on the subject. There was a movement in Mexican civil society in favour of decriminalizing abortion, but it should be noted that no case of prosecution for abortion had been reported since 1995. Family planning campaigns were undertaken both in the towns and in the rural areas in order to instruct adolescents in responsible sexual behaviour.

50. Mr. RUIZ y ÀVILA (Mexico) said that the promotion of democracy was an extremely costly undertaking and that the Mexican Government's resources were far too limited to allow it to implement all the provisions of the Convention. The problem of maltreated children was one of the most serious faced by Mexico and was the province of various institutions of the National System for the Integral Development of the Family (DIF). The prosecutors of the states and the Federal District were empowered to institute a preliminary inquiry on offences committed against minors. The Office of the Procurator of the Republic had implemented a programme designed to propagate a culture of respect for human rights through training courses for representatives of the Ministry of the Interior and the judicial police. There had been an increase in the number of complaints filed by victims over time, since when they were examined and followed up.

51. Mrs. SÁNCHEZ REGALADO (Mexico) said that private schools, like public schools, came under the Ministry of Education, in accordance with article 3 of the Constitution. Corporal punishment was strictly prohibited in both. Measures were also being taken to provide ongoing training for teachers.

The meeting rose at 1 p.m.

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.569
5 October 1999

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

SUMMARY RECORD OF THE 569th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 27 September 1999, at 3 p.m.

Chairperson: Mr. DOEK

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Mexico (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.99-44409 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Mexico (continued)
(CRC/C/65/Add.6; HRI/CORE/1/Add.12/Rev.1; CRC/C/Q/MEX/2; written replies of the Government of Mexico to questions raised in the list of issues (document with no symbol distributed in the meeting room))

1. At the invitation of the Chairperson, the members of the delegation of Mexico resumed their places at the Committee table.

2. The CHAIRPERSON invited the delegation to answer the questions posed by the Committee. Noting the large number of questions, he advised the delegation to be succinct and to indicate simply where the information could be found if it had been already provided in a written document.

3. Mr. RUIZ y ÁVILA (Mexico), replying to Mrs. Karp's question on the budget allocation for defence spending, said that Mexico's defence budget was one of the smallest in Latin America and the world. Citing figures, he demonstrated that only a small percentage of the budget was earmarked for defence spending and that in 1998, for example, the Government had spent seven times more on education than on defence. Closer attention was being paid to indigenous issues, such as language, and hundreds of thousands of books now existed in various indigenous languages.

4. With regard to refugees, it was worth noting that close to 50,000 Guatemalan refugees had entered Mexico over the past decades. The refugee programme had ended in July 1999 but had allowed 22,000 Guatemalans to receive resident status. Some of the refugees had chosen to return to Guatemala, while others had been naturalized and the Government was working on regularizing the situation of illegal immigrant Guatemalans who were married to Mexican women.

5. Ms. CARDENAS MIRANDA (Mexico), addressing the issue of adoptions, stressed that the priority measure taken with regard to abandoned children was the attempt to reintegrate them in their biological families. If that was not possible, then, in keeping with the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and the Convention on the Rights of the Child, to which Mexico was a party, the authorities would first seek to have children adopted by nationals before resorting to intercountry adoption, as shown by available statistics.

6. Mr. RUIZ y ÁVILA (Mexico), replying to questions on the situation in Chiapas, said that there had been no reports of violation of children's rights there by members of the military or paramilitary, except for one unfortunate case of a reported massacre. In fact, since the term "paramilitary" suggested some type of military training, it would be more appropriate to refer to the presence of civilian armed groups in Chiapas. An investigation was being carried out on the basis of reports submitted by non-governmental organizations (NGOs) and newspaper articles into abuses allegedly committed by a number of groups. The investigation had determined that five of the alleged

groups did not exist. However, the investigation would continue, and the previous week the Procurator-General of the Republic had announced that members of two of the groups had been imprisoned.

7. Ms. SÁNCHEZ REGALADO (Mexico), expanding on the question of the education of indigenous children, said that many indigenous languages and dialects were being used as the first language of instruction, followed by Spanish. Furthermore, one focus of elementary education was a literacy programme for mothers.

8. The CHAIRPERSON asked for further information on the social situation of the indigenous population, as it seemed that the average number of years spent in school by indigenous children fell below the national average. Mortality rates were also reported to be higher among indigenous children. He wished to know if there were programmes to improve the access of indigenous people to education and health care.

9. Mr. RUIZ y ÁVILA (Mexico) said that one of the problems relating to the underdevelopment experienced by indigenous communities was geographic, as they were scattered across the country in remote, sparsely-populated areas. When the indigenous policy had been first introduced in 1948, the Government had mistakenly tried to integrate indigenous communities into the Mexican development process. However, the focus had since shifted to greater autonomy and self-government. Although indigenous customs had come to be recognized under the Constitution, some were more admirable than others, so that a balance had to be found between Mexican law and some of those practices and customs. Legislative reforms had been introduced in 16 Mexican states recognizing the rights and cultures of the indigenous population and additional auxiliary and magistrate's courts had subsequently been established.

10. The Government was focusing attention on eliminating extreme poverty, with more than half the State budget being allocated to that end. Since indigenous populations accounted for 90 per cent of persons living in extreme poverty, they stood to gain the most. In the context of those efforts, mortality rates had dropped and measles and poliomyelitis had been eradicated.

11. The CHAIRPERSON asked the delegation to provide information on NGO participation in the preparation of periodic reports and in the newly created monitoring systems. Also, what was the status of the process, introduced by the President of the Republic, for monitoring implementation of the Convention?

12. Mr. RUIZ y ÁVILA (Mexico) said that there were 8,000 NGOs involved in work with children, women, indigenous communities, the environment and rural organizations. With specific reference to NGOs involved in children's issues, the Government had begun collaborating with NGOs working with street children and children involved in prostitution, which had not been the case at the time of preparing the report. Beyond differences between political parties, views invariably converged with regard to children's issues, which showed the importance attached to children's rights in Mexico.

13. The CHAIRPERSON reminded the delegation that the question on the monitoring mechanisms remained unanswered.

14. Ms. CARDENAS MIRANDA (Mexico) replied that the National System for the Integral Development of the Family (DIF) was responsible for monitoring the implementation of the Convention at national and state levels. Seven commissions had already been set up and others were being envisaged. The DIF also collaborated with NGOs to eradicate the commercial sexual exploitation of children and in the interest of disabled children, within the framework of a national programme promoting the welfare of persons with disabilities.

15. Mr. RUIZ y ÁVILA (Mexico) said that the bulk of the collaboration with NGOs concerned training programmes of various forms. Furthermore, all state human rights commissions carried out activities to promote children's rights.

16. Ms. PÉREZ DUARTE y NOROÑA (Mexico), supplementing the information provided on the involvement of NGOs in the monitoring of the implementation of the Convention, pointed out that the council of the National Women's Commission, which also dealt with children's rights, was mainly made up of NGOs.

Family Environment and Alternative Care and Basic Health and Welfare

17. Mr. RABAH, supported by Mrs. Ouedraogo, said he would like to know what the procedures were for intercountry adoption. Regarding alternative care, did Mexico have foster homes and how were they organized, and did NGOs have any input in that regard?

18. Mrs. OUEDRAOGO said she would also like to know whether there were bilateral agreements between Mexico and the United States to ensure the payment of maintenance allowances. Malnutrition seemed to be a serious problem; how was that taken into account in the programmes in favour of the disadvantaged and persons in extreme difficulty? She wanted to know what facilities existed for disabled persons to have access to public transport and buildings. Apparently even in those states where such laws existed they were not enforced. She further questioned why special attention had been given to girls, to the detriment of boys, in the programme of care for adolescent mothers, as reproductive health concerned both boys and girls. She wondered what the scope of the programme was, especially in the light of the objections expressed by certain religious groups.

19. Mrs. SARDENBERG expressed concern about the situation of indigenous people in Mexico and referred to recommendations made by the Committee in 1994; while a change could not be expected overnight, it was important for the Committee to be well informed. Regarding Chiapas, which had received extensive coverage in the media, she asked for details about the mandate and activities of the Political and Social Action Group for Chiapas (GAPS) mentioned in the Government's reply to question 22 of the list of issues. Turning to family environment and alternative care, she welcomed Mexico's ratification of the Hague Convention on intercountry adoption, but asked whether a central authority had been appointed for adoptions in the framework of the Convention. In addition to the importance of controlling adoption,

which could be linked to drug trafficking and other problems, such an authority could play a role in raising awareness of the need to increase the low number of domestic adoptions. Regarding single-parent households, she asked whether support measures specifically intended for single-parent households headed by women were included in the Government's programmes.

20. Mrs. EL GUINDI asked for clarification of reports that the number of domestic adoptions in Mexico was low and that illegal adoption was common practice. She would also like details about the results of the programme of care for adolescent mothers.

21. Mrs. KARP, referring to Mexico's efforts to combat domestic violence, asked whether corporal punishment was considered to be a form of domestic violence. Regarding the mental health of teenagers, she asked whether institutions existed for counselling children on issues affecting them when they did not wish to consult their parents and for providing treatment without the parents' consent. She would also like to know whether there were special clinics and hospitals for children with mental problems, whether children could be institutionalized against their will and what the procedure was for doing so.

22. Mrs. TIGERSTEDT-TAHTELA, referring to article 4 of the Mexican Constitution, asked how the autonomy granted to indigenous cultures operated in practice and how membership in an indigenous group was determined.

The meeting was suspended at 3.52 p.m. and resumed at 4 p.m.

23. Ms. PEREZ DUARTE y NOROÑA (Mexico), replying to questions on violence, said that action to combat intra-family violence was part of a broad programme to combat violence in general. Corporal punishment was considered to be a form of intra-family violence, and part of a cycle of violence. Action being taken to combat it included the correction of legislation exempting parents from criminal responsibility for harm inflicted on children in the exercise of parental discipline. Regarding the identification of indigenous communities, it was the communities themselves, rather than the government authorities, which decided their status, membership and language on the basis of their customs and traditions. Affiliation of children was a part of that identification process. The Government's role was limited to registering indigenous children in the national system, for ease of identification in case of conflicts or disputes, and to the provision of support.

24. Ms. CARDENAS MIRANDA (Mexico), replying to questions on adoption, said that international adoptions took place in the framework of the Hague Convention when the adoptant's country was a State party to the Convention. Legislation giving effect to the Hague Convention made the central authority for international adoption the federal DIF system for the federal district and the state DIF System in each State, between which a flow of information was maintained at all times. Adoption proceedings took place between the central authorities of the countries concerned and included an exchange of information regarding the suitability of the prospective adoptive parents and the child to be adopted; authorization was also sought from the receiving State for the child to reside there. Following the exchange of information the entire file was submitted to a family judge, of whom there were 40 in Mexico, who decided

whether the adoption should proceed. Follow-up of international adoptions was conducted by the Ministry of Foreign Affairs through its Department of Consular Affairs. If the country involved was not a party to the Hague Convention, domestic legislation applied and no exchange of information took place.

25. Children who could not be reintegrated into their families and who were unlikely to be adopted were accommodated in DIF centres, of which 52 existed for children aged 6 to 18 and 35 for children from birth to age 6, and in centres operated by non-governmental organizations. Concerning the possibility of increasing the number of domestic adoptions, she said that the "culture of adoption" was new in Mexico and that current efforts concentrated on raising the people's awareness of its importance.

26. Mr. RUIZ y ÁVILA (Mexico), replying to a question about nutrition, said that a national vaccination card had been introduced in 1998, which contained a record of children's measurements and vaccinations and made it possible to judge their state of nutrition. Deficiencies in vitamin A and iodine had been detected and efforts were under way to correct them. A school breakfast programme also existed which provided 4 million breakfasts a day. It covered 85 per cent of the municipalities providing immediate assistance to children, in particular those which had a high concentration of indigenous people. Other programmes of support, in the same municipalities, involved soup kitchens and the distribution of packets of vegetable seeds.

27. The mandate of the GAPS programme was to ensure that as many resources as possible were invested to meet the needs of Chiapas and other States with a large number of indigenous people, the greatest enemies being extreme poverty, corruption, disease and the middlemen through whom indigenous people were forced to sell their products. The GAPS mandate also included education where efforts focused on increasing construction of schools, pupil enrolment, number of teachers and health support.

28. Ms. CARDENAS MIRANDA (Mexico), replying to questions on disability, said that the national programme for the welfare of disabled persons and their incorporation in development, introduced by President Zedillo in 1995, had counterparts at state level and operated through subcommittees covering areas such as accessibility, telecommunications and transport, sports, culture, education, labour insertion, legislation and statistics. The achievements of the subcommittee on legislation had been substantial: each State had its own law on the social integration of disabled persons, and Mexico had signed the Inter-American Convention to Eliminate Forms of Discrimination against Persons with Disabilities, which was before the Senate for approval. Concerning accessibility, she said that a programme conducted in Mexico City had led to the elimination of many obstacles impeding the movement of disabled people, but that efforts concentrated for the moment on eliminating cultural barriers, so that disabled people would not have to live in an aggressive environment. The programme had achieved significant results in its four years of operation, and its annual reports provided an opportunity for interaction with NGOs, working on behalf of disabled people.

29. Ms. SÁNCHEZ REGALADO (Mexico) said that although special education services existed for those children who could not attend the regular school

system, article 41 of the General Education Act focused on the integration of children with disabilities into the regular education system. To that end provision was made for teacher training and textbooks in braille were distributed free of charge.

30. Mr. RUIZ y ÁVILA (Mexico) noted that the special education programme included vocational workshops for disabled children and agreements with private companies to hire young disabled people. The greater awareness of the problems of disabled people in the 1980s had culminated in the idea that disabled children should attend regular schools and that normal children should be taught to respect disabled children's right to be different.

31. Ms. CARDENAS MIRANDA (Mexico) said that Mexico's alimony programme was modelled on that of the United States, to which many Mexican fathers emigrated in order to avoid paying maintenance. A joint Mexico-United States programme aimed at recovering maintenance from Mexican fathers who had emigrated to the United States was operated by DIF, through its Procurator's Office for the Defence of Juveniles and the Family, and received support from the Ministry of Foreign Affairs.

32. Ms. PEREZ DUARTE y NOROÑA (Mexico) said that in addition to specific programmes for teenage mothers, a series of programmes on sexual and reproductive health attempted to raise awareness among both boys and girls of their responsibility in controlling reproduction. Regarding the right of the child to privacy in schools, she said a recent operation in border States with serious problems of drugs and violence, in which children's schoolbags had been searched, had been an exception brought about by the urgency of those problems. Children's right to privacy was generally respected in schools.

33. Ms. CARDENAS MIRANDA (Mexico) said that Mexico endeavoured to eliminate traffic in minors, in the spirit of the Hague Convention. Although illegal adoptions unfortunately did take place, the DIF system had received no actual reports of such cases. Regarding foster care, she said Mexico did not have a foster care structure as such, but concentrated support on providing needy families, including unmarried mothers, with the necessary assistance to support their children.

34. Mr. RUIZ y ÁVILA (Mexico), replying to Mrs. Ouedraogo, said that Mexican legislation provided for the construction of wheelchair-accessible ramps in public buildings. NGOs, including "Libre acceso" (Free Access), a dynamic group with which DIF had worked extensively, had been instrumental in those achievements.

35. Ms. PEREZ DUARTE y NOROÑA (Mexico) said she was happy to announce that while in the past there had been taboos surrounding questions of sex, they were gradually disappearing thanks to the media and special programmes such as those implemented under the National Human Rights Commission (CNDH) and the National System for the Integral Development of the Family (DIF), the Office of the Procurator and the National Council for the Prevention and Control of AIDS (CONASIDA). Under the law, in the event of a conflict of interest between minors and their legal guardians with regard to health care, urgent measures could be taken through the Office of the Procurator, which was the cornerstone of the child protection system. The Government could also

intervene to appoint guardians. Abortion was allowed only in special cases, for instance if the health of the mother or child was endangered, but the decision was taken with medical advice, while other measures were applied in the event of a conflict of interest.

36. Ms. SÁNCHEZ REGALADO (Mexico) said that while reproductive health and sex education of children aged 10-12 had originally been opposed by parents' associations, they had soon acknowledged that such education was better imparted by trained teachers.

37. The CHAIRPERSON invited Committee members to ask follow-up questions.

38. Mrs. KARP, on the subject of adolescent medical counselling, asked whether adolescents had access to condoms, and whether if a girl who had been raped desired an abortion, there was any committee or hospital service that could authorize it if the girl did not wish to do so illegally. Had it been determined whether the best medium of sex education was the teacher, or professional guidance counsellors not involved in the child's day-to-day school life? Since sex education had not yet attained its goal of providing the child with adequate education on sexual behaviour, STDs and AIDS, and given public opposition to sex education in schools, what solution did the delegation envisage?

39. Mrs. SARDENBERG reiterated her question as to whether there were special programmes or institutions for single parents, what personal care they received, and what category of children was covered.

40. The CHAIRPERSON asked whether the delegation felt that the law-enforcement authorities were adequately trained to deal with such matters as examining sexual-abuse victims, or whether those tasks were performed by other professionals.

41. Ms. PEREZ DUARTE y NORONA (Mexico) said that specialized agents in the Office of the Procurator dealt with cases of violation against minors and that there was a special agency for attention to victims of sexual abuse. The process had taken time, because it had not been easy to provide such care, but progress was being made. In response to Mrs. Karp's question, she said that CONASIDA visited schools and supplied teenagers with condoms and contraceptive information, as part of reproductive health programmes. There was a wide range of assistance comprising special programmes and textbooks, as well as visits by NGOs, working in tandem with the public sector, to lecture in schools.

42. Abortion was not penalized in the case of rape. The girl was required to be examined at a public hospital to determine the degree of rape. Single-parent homes abounded and were usually headed by a woman; general public policies had therefore been altered to take account of that fact. Credit was set aside for housing and education for single-parent families, through the Programme for Education, Health and Nutrition (PROGRESA) among others. Also, maternal responsibility being different from paternal responsibility, mothers rather than fathers were approached even in two-parent families where it was clearly wiser for money to pass through the mother's hands.

43. Mr. RUIZ y AVILA (Mexico) said the National Human Rights Commission (CNDH) had been established at the behest of the first Chairperson of Amnesty International in Mexico, who had lobbied for the creation of a special agency composed mostly of women: physicians, psychologists, lawyers, social workers and the like. Given incidents in which aggressors had intimidated their victims when brought face to face with them, a new provision stipulated that electronic means be used in order to avoid direct confrontation and coercion. With regard to intra-family violence, new reforms instituted in August 1999 refused bail to the perpetrators of violence against or corruption of minors, even when they did not live in the same house.

Education and special protection measures

44. Mrs. KARP asked whether the new special procedures for catering to victims of violence were restricted to Mexico City or extended to the entire country, and whether there was any specialized national unit for the purpose. She wished to know why corporal punishment in schools and institutions was not specifically prohibited in Mexican legislation, which needed to send a clear message from the Government to the public. Had such a measure been envisaged?

45. Under the criminal justice system, there was only a handful of States where legal responsibility began at age 18 or 17, as opposed to 14 or 16. She wished to know the ratio of children deprived of their liberty - if not by the courts, at least in care institutions - to adult detainees. Juveniles were patently detained in poor conditions, sometimes even alongside adults. Could children aged 14-16 be brought to trial in the same way as adults? What was Mexico doing to implement an equitable and non-discriminatory criminal justice system, so that the interests of the child were protected by juvenile justice? Did the Government have any specific plans to implement the changes recommended by the Committee in 1995? She was aware that a special commission existed to investigate cases of homosexuality practised by border children for purposes of prostitution, and wondered whether that commission had initiated any special projects in that connection. Had it been allocated the manpower and financial resources required for any preventive or treatment plan?

46. Mrs. OUEDRAOGO, referring to the decentralization and privatization of health services, asked whether any particular structures were planned for the most vulnerable and disadvantaged segments of the population, who lacked access to the health system. What progress had been made with extending social security coverage to independent workers and their families? Further, since the juvenile suicide figures contained in Mexico's second periodic report were out of date, she called for more recent statistics.

47. She congratulated the country on the progress made in the field of education, but would like more data on its educational aims, which had not been clearly reflected in the report. She asked how educational establishments' compliance with human rights requirements was monitored, and whether any curriculum-assessment exercise had been undertaken to enhance the quality of education. She would also like to know whether the objectives set for the 1998 World Bank-supported programme to increase educational access for the disabled were attainable, and whether any had yet been met. She congratulated Mexico on its successes in integrating refugee children. Since,

however, the process was a protracted one and no legislation as yet existed for their protection, how would the Government proceed pending examination of a case?

48. Mrs. SARDENBERG asked what measures were being taken to address the problem of forced repatriation of children from the United States over the Mexican border under cover of night, a problem linked to child trafficking and "disappearances" of undocumented children. She wished to know precisely why the survey carried out on street children had specifically excluded Mexico City when the phenomenon was an urban one.

49. Mr. RABAH pointed out that the Mexican report had devoted little space to attention to early education or to children placed in crèches while their mothers went out to work. He also wished to know what was being done to improve the pupil/teacher ratio in pre-school education, which was sometimes as high as 30:1, and whether any special measures were envisaged in connection with the use of play and leisure time. Concerning the juvenile justice system, he sought more detailed information on detention centres, and asked what relationship existed between the Public Prosecutor's Office and police stations. Were there any "half-way" houses for juveniles on completion of their sentences? Did they receive any legal aid prior to or during their appearance in court? Were there any workshops for social workers, lawyers, judges or the police?

The meeting was suspended at 5.10 p.m. and resumed at 5.20 p.m.

50. Mrs. QUEDRAOGO asked what was being done for the 36 per cent of births which took place outside health establishments.

51. Mr. RUIZ y ÁVILA (Mexico) said that the maternal mortality rate had declined slightly in recent years, from 5.4 deaths per 10,000 live births in 1990 to 4.6 per 10,000 in 1997. The levels were significantly different from one State to another. In 1997 the main causes of maternal mortality were pregnancy toxaemia, haemorrhage during pregnancy and delivery, and post-natal complications, which together accounted for 60.8 per cent of all maternal deaths. Abortion was the third most prevalent cause of maternal mortality, and in an effort to reduce such complications the Ministry of Health had trained 551 specialists in 56 hospitals of 17 States in manual aspiration techniques. In order to reduce the number of abortions, the use of contraceptives was taught and encouraged. About 68 per cent of women of child-bearing age currently used some kind of contraceptive, and contraceptive use was growing by approximately 1.2 per cent per year. The rate of use tended to be high in the north and far lower in the southern States such as Chiapas, Guerrero and Oaxaca. Women accounted for 94 per cent of contraceptive users.

52. The Mexican Social Security Institute (IMSS), in addition to paying retirement pensions, provided medical coverage for workers and employers through a network of about 1,000 hospitals located throughout the country. State employees were covered by a scheme administered by the Welfare and Social Services Institute for State Employees (ISSSTE). People not covered by the two schemes for public and private sector employees could receive medical attention at hospitals run by the Ministry of Health, where fees were

generally reduced for persons without coverage. There was also a Community Care Programme (PAC) and a civil defence programme called DN3, which was run by the army and was called upon to take action in the event of natural disasters. It had, for instance, distributed medicines and provided medical care within Mexico and in Guatemala and El Salvador following Hurricane Mitch. There were currently no plans to privatize the health-care services.

53. Ms. PÉREZ DUARTE y NOROÑA said that home births delivered by qualified midwives or women who traditionally assisted in childbirth had been customary for generations in Mexico, and that in most cases the practice did not involve a high risk factor.

54. With regard to programmes for victims of violence and sexual abuse, the reforms to which Mr. Ruiz y Ávila had referred were taking place only in the Federal District, but the programmes run by agencies specialized in that field continued to be implemented throughout the country. On 29 July 1999, the programme for Guatemalan refugees in Mexico had drawn to a close with the repatriation of the last refugees wishing to return to Guatemala. There were, for all intents and purposes, no more refugees in the country. The Guatemalans who had stayed had either received or had applied for immigrant status or residence permits. Although Mexico was not yet a party to the Convention relating to the Status of Refugees, the programme for Guatemalan refugees had been held up as an example by the Office of the United Nations High Commissioner for Refugees, because it had met with such success in integrating refugees and in promoting their voluntary return.

55. The juvenile justice system was one of the weakest points in the legal system. The concept of juvenile judge did not exist. However, it was not true that the decision to send minors to institutions lay with the administrative authorities. Such decisions were taken by collegial bodies which covered the cases of juvenile offenders, and which applied rules different from those in the Penal Code. The main reason for the weakness of the juvenile justice system was not so much a failure of the legal structure as a lack of resources for the protection and custodial centres, which had not received appropriate attention. The poor conditions of minors at some adult prisons were not representative of the entire country, but rather of small rural communities where no specific custodial centres for minors existed. Care had been taken to inform the police of the need to send minors on to such special centres without delay. In some places, such as Guadalajara or Monterey, minors were sent on within 24 hours, while in others it could take much longer. The age of the minors at custodial centres was generally between 14 and 16, and in any case never exceeded 18. Much emphasis was placed on the role of the family in rehabilitation. In cases of children under 14, responsibility was assigned as far as possible to the family, and only in extreme cases should such offenders be placed in juvenile care institutions. Juvenile offenders and their families could receive legal aid through consultations provided free of charge. In small, remote villages where there was no such service, it was the National System for the Integral Development of the Family (DIF) which provided legal assistance to offending minors and their families. While the delegation could provide no statistics on the number of teenage suicides between 1993 and 1999, a youth hotline had been established to combat the phenomenon.

56. Ms. SÁNCHEZ REGALADO (Mexico), responding to a question put by Mrs. El Guindi, said that there was no legal reason to include types of school punishment in documentation. Teachers underwent vocational training in which they learned professional ethics, and they themselves knew how to provide children with a quality education conducive to their development. The Education Development Programme for the period from 1995 to 2000 had established certain objectives and the main lines of educational policy, which included the provision of high quality education, competently and equitably dispensed. The national education system was quite extensive, reaching some 28.5 million pupils, with 1.4 million teachers in 212,000 establishments. Two special compensatory programmes were being implemented with the aim of aiding disadvantaged and indigenous groups in communities of fewer than 100 and 1,000 inhabitants, respectively, in cooperation with the World Bank. Literacy, nutrition and health campaigns were also conducted with the mothers of the children benefiting from such programmes.

57. All private schools were registered with the Ministry of Public Education and had to observe nationally-set standards for education, and specifically the basic curricula. Like state schools, private schools received texts without charge and benefited from state plans and programmes for teachers.

58. Ms. CARDENAS MIRANDA (Mexico) said that in the Federal District a law governed all social assistance provided by private institutions. The private institutions concerned had formed an association, which had the dual objective of promoting private social assistance and of coordinating such programmes once they were under way. A specific programme for minors repatriated from the United States provided shelter through 11 hostels set up by the authorities and 7 more run by non-governmental organizations, all located near the border. Though the programme was headed by DIF, it was in large part run by state and local governments. In 1998 some 8,500 minors had found shelter in such establishments. An information system was being set up to make it easier to reunite such minors with their families.

59. In November 1997 Mexico had received the visit of the Special Rapporteur on the sale of children, child prostitution and child pornography of the United Nations Commission on Human Rights, Ofelia Calcetas Santos, whose conclusions and recommendations had been extremely useful in drafting a plan of action, which had been submitted for approval in November 1998. A National Inter-Institutional Commission for the Elimination of the Sexual Exploitation of Children had been established to implement the plan, and worked closely with local bodies, some of which had been established in towns attracting large numbers of tourists, such as Puerto Vallarta-Jalisco. One of the most important consequences of the plan had been that the authorities were beginning to understand the scale of the problem. The Inter-American Children's Institute had sponsored a study on violence and sexual exploitation of children in Latin America and the Caribbean, in consultation with a Mexican NGO. A study concentrating on about 100 towns with child sexual tourism, pornography or prostitution was to be conducted by UNICEF, DIF and independent researchers, and was due to begin in October 1999. Experts in the subject from Canada and the United States were also working closely with Mexican social researchers on the same question.

60. A study had also been carried out on the situation of street children in 100 towns, excluding the Federal District, which could not initially be included for technical reasons owing to the recent change of local government. It had thus been established that there were some 114,000 children working on the streets. Above all, the study had served to refute a number of preconceived ideas which had proven to be myths. For example, the number of street children had often been estimated in the millions. In addition, it was determined that most children working in the street were not alone and had not been abandoned by their families as had previously been thought, but were working in order to bring home some income. The conclusions of that and the other studies would help in the drawing up of a policy to improve the conditions of those street children, and first and foremost to safeguard their moral and physical integrity.

61. Mrs. SARDENBERG said that there had been a clear change in the attitude of the Mexican Government toward the rights of the child, and that much progress had been made in various areas. Notwithstanding the serious poverty which persisted as the country underwent structural adjustment, the Government had made a serious effort to incorporate the principles and provisions of the Convention in the national legislation and programmes. At a time when the country's political system was opening up, it was encouraging to see that the Government was proving its commitment to the rights of the child. As the High Commissioner for Human Rights was about to embark on a trip to Mexico, it was perhaps the right time to use the concluding observations and recommendations of the Committee to formulate a proposal for international cooperation. Mexico could benefit from cooperation with UNICEF, the World Bank and other agencies, but questions such as training and the establishment of national institutions could sometimes best be dealt with by the Office of the High Commissioner for Human Rights. The Convention could serve as a very useful tool in that process.

62. The CHAIRPERSON thanked the delegation for its effort and cooperation. The Committee was looking forward to further collaboration, particularly with a view to the follow-up meeting to the World Summit for Children, which was scheduled for 2001.

The meeting rose at 6.05 p.m.